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1 Q. And Dr. Lawal retaliated against
2 you in what fashion?

3 MS. RODGERS: Object to form.

4 THE WITNESS: As I just said, he
5 became very angry. He hit his chest and
6 said that this action had been taken not just
7 against AUM, but against him. I had spoiled
8 his plans of filing suit that summer. Every
9 routine thing I do in the office became an
10 issue.

11 I saw him going through my trash
12 can. The shredding that I did that Friday,
13 I normally do shredding on Fridays, either
14 once, twice, sometimes even once a month.
15 Every document just about that came in that
16 office had Social Security numbers on it.
17 Time sheets, payrolls, grade sheets. We were
18 the hub for that. Periodically, I would shred
19 those to make room for more documents. Him
20 seeing me shredding was nothing new since he
21 had been in there since August, I was
22 shredding the same kinds of documents many
23 times.

24 MR. DODD: Q. Did he become
25 angry with you before or after the shredding

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1 incident?

2 A. Before and after.

3 Q. Okay.

4 A. He became angry with me when he
5 received the correspondence, as I said, from
6 Julian McPhillips.

7 Q. Had he been angry with you before
8 that?

9 A. No, sir. He had been in line
10 with me. In fact, he let me read the first
11 page of his complaint to Dr. Ritvo and he
12 told me to be sure that I got mine over to
13 Dr. Ritvo that day. That he was going to
14 let Dr. Ritvo know his would be coming in
15 the next few days because he had so much to
16 add about how we were being treated by Chris.

17 Q. That was back in December, right?

18 A. Yes. That was in December.

19 Q. So Lawal was angry with you -- it
20 first became apparent when he received a
21 letter from Julian McPhillips?

22 A. It first became apparent after the
23 meeting with Dr. Ritvo, Faye Ward, myself and
24 Dr. Lawal. At that meeting Dr. Ritvo
25 informed Dr. Lawal. In that meeting, Dr.

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1 Ritvo informed Dr. Lawal that he would not be
2 the person taking action against Chris, rather
3 that he was not going to allow Dr. Lawal to
4 take any action against Chris. That he Dr.
5 Ritvo would be the one taking action. Dr.
6 Ritvo stated at that time, "If you don't do
7 something, I will file civil litigation
8 myself."

9 Q. Dr. Ritvo said that?

10 A. I'm sorry. Dr. Lawal said that to
11 Dr. Ritvo while we were in that meeting.
12 When we returned to the office -- because in
13 the meeting, I asked questions. I asked
14 about my security. I asked to get a summary
15 of the meeting proceedings that I was in.
16 Dr. Ritvo refused. He said the only thing I
17 could know is that they would do something to
18 Chris and not to worry about it.

19 Dr. Lawal took exception to that
20 in the meeting. But when we got back to the
21 office, Dr. Lawal said to me, "I'm upset with
22 you." And I asked him, "Why?" He said,
23 "You don't talk back to men." I said, "We
24 are living in the 21st century."

25 I was afraid. I needed to know

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1 what was going to happen me. I could care
2 less what was going to happen to Chris.
3 That was the beginning of my seeing a change
4 in his behavior.

5 Q. When he became angry with you
6 because you talked back to men --

7 A. He said I talked back to Dr.
8 Ritvo.

9 Q. Did that have anything to do with
10 your race?

11 A. It has everything to do with being
12 retaliated against for reporting what they
13 asked me to report.

14 Q. We are talking about Lawal now
15 retaliating against you, right?

16 A. That's what you asked, right?

17 Q. Yes.

18 A. Okay. That's what I am trying to
19 deliver.

20 Q. Lawal also complained about
21 Mahaffy, right?

22 A. Yes, sir, he did, until he got the
23 lawsuit. Until he got the paperwork from
24 McPhillips' office.

25 Q. That's what I am trying to

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1 determine when his displeasure with you began.

2 It started about this meeting.

3 A. It started after that meeting. I
4 did not know it was going to be so direct
5 until he received the paperwork from Julian
6 McPhillips towards me. I thought he was just
7 angry because Ritvo wasn't letting him use
8 his authority. Because Ritvo said he was
9 going to take care of Chris and not let
10 Lawal do it. He was angry.

11 Now, whether he was taking his
12 anger out on me because he was angry at
13 Ritvo, you have to ask him that. I don't
14 know. All I know is, I, again, became the
15 victim.

16 Q. Because he said you talked back to
17 Ritvo?

18 MS. RODGERS: Object to form.
19 Asked and answered over and over again.

20 MR. DODD: I am just following up
21 on her answers.

22 MS. RODGERS: Over and over again
23 following up. Keep on going, Cynthia.

24 MR. DODD: Q. When was that
25 meeting? Was that February 3rd or 4th?

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1 A. The meeting with Dr. Ritvo was on
2 January 31st.

3 Q. Sometime between January 31st and
4 the day you left, February 14th, is when Dr.
5 Lawal began retaliating against you?

6 MS. RODGERS: Objection.

7 THE WITNESS: Yes.

8 MR. DODD: Q. Can you point to
9 any event between the meeting and Dr. Lawal's
10 receipt of the letter from the lawyers --

ii MS. RODGERS: Object to form.

12 MR. DODD: Q. -- that prompted
13 any danger toward you by Lawal?

14 A. Anger concerning what?

15 Q. Anything.

A. He just changed.

¹⁷ Q. How did he change?

¹⁸ MS. RODGERS: Object to form.

19 Just keep on answering. Again, he is asking
20 you the same thing. State exactly what
21 happened. That's what you give him.

22 THE WITNESS: Well, then after the
23 meeting he made that comment that I told you
24 he made.

25 MR. DODD: Q. After he made that

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1 comment, did anything occur between his
2 receipt of the letter from the lawyers that
3 prompted any anger on his part toward you?

4 A. He was angry that he was having to
5 go through this, and it was directed at me.
6 I asked him why. I don't know why.

7 Q. When you say "go through this,"
8 are you talking about Mahaffy?

9 A. The Mahaffy complaints or rights.
10 The whole situation with the complaints.

11 Q. You are saying he blamed you
12 because the procedure was underway?

13 A. I didn't say that:

14 Q. He was angry at you because of
15 procedure?

16 MS. RODGERS: Object to form.
17 Let's take a break. Object to form. Can
18 you hold this question?

19 MR. DODD: Let me finish my
20 question. We are going to finish the
21 question before you take a break.

22 MS. RODGERS: Ask the question.
23 You don't have to do an answer.

24 MR. DODD: I am going to ask you
25 when you come back about conversations you

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1 have had during the break. You may want to
2 reconsider whether you want to go consult
3 with your lawyer before you answer a question
4 that's pending.

5 MS. RODGERS: Let the record
6 reflect I don't want no one to assume that I
7 am going to talk to my client about a
8 question he is going to ask.

9 MR. DODD: No assumption.

10 MS. RODGERS: Also, I don't want
11 you to threaten. It seems as though he is
12 trying to intimidate my client in this
13 deposition. I am taking a break for her
14 sake. Because as it appears to me, I feel
15 as though she is getting frustrated. She
16 needs to take a break. I don't know how she
17 is doing. I am telling her to take a break.
18 Not to try to go outside to try to discuss a
19 potential answer for her. Because I have not
20 done that during lunch time, nor have I done
21 it for any statement where counsel is getting
22 a record. Nor am I trying to assist her
23 during any part of this deposition how she
24 answers her questions.

25 Let the record also reflect that I

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1 have not written any notes, I have not bumped
2 her, I have not done any type of couching
3 whatsoever to assist my client in any type of
4 questioning or way she should answer her
5 question. The only thing I told her is tell
6 the truth.

7 THE WITNESS: May I take a break,
8 please?

9 MR. DODD: Go ahead.

10 (Multi-page document, first page
11 undated, entitled Charge of Discrimination,
12 marked as Defendant's Exhibit-1)

13 MR. DODD: Q. Ms. Ellison, here
14 is Defendant's Exhibit 1. If you can take a
15 look at that and see if you can identify it
16 for me, please.

17 A. Yes. Let me finish and make sure.
18 Yes, I recognize it.

19 Q. What is it?

20 A. It's my affidavit statement that I
21 gave to my attorney. It's my memo from me
22 to Dr. Ritvo on December the 3rd supplying
23 his requested statement. A letter to Dr.
24 Mahaffy from Dr. Ritvo. A letter from me to
25 Debra Foster with copies to Dr. Lawal, Ms.

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1 Ward, Dr. Ritvo, Dr. Nance and Lee Armstrong.

2 And my memo about my retirement.

3 Q. Together these documents you have
4 identified constitute your EEOC charge, do
5 they not?

6 A. That's the cover sheet, yes.

7 Q. The EEOC charge is dated February
8 10th, 2005, down at the bottom left corner?

9 A. Where? Bottom left, yes.

10 February the 10th.

11 Q. Now, do you know when Mr.
12 McPhillips mailed this to Bayo Lawal?

13 MS. RODGERS: Object to form.

14 THE WITNESS: I don't know if he
15 mailed this to Bayo Lawal. I know that Dr.
16 Lawal got a letter from him. I don't know
17 about this.

18 MR. DODD: Q. Look at your
19 affidavit for a second. Who wrote the
20 affidavit?

21 A. Who wrote it?

22 Q. Yes.

23 A. It's information that I gave my
24 attorney.

25 Q. Your lawyer composed the affidavit?

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1 MS. RODGERS: Object to form.

2 MR. DODD: Q. Let me ask you

3 this. Did you write the affidavit?

4 A. When you say "composed," that means
5 did he write it?

6 Q. Yes.

7 A. I gave the information as it is
8 here. I guess I gave him the information.

9 Q. They put it together and you
10 signed it, right?

11 A. They put it together and I signed
12 it. Are you asking me if I typed this
13 document?

14 Q. No. I am asking you if you
15 prepared it.

16 A. I provided the information that is
17 within this document.

18 Q. When did you provide that
19 information to your lawyers?

20 A. It says on the 10th day of
21 February, 2005.

22 Q. Did your lawyers prepare this
23 affidavit on the same day that you gave them
24 the information?

25 MS. RODGERS: Object to form.

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1 THE WITNESS: It was prepared on
2 the day I signed it.

3 MR. DODD: Q. When did you give
4 them the information that appears in the form
5 in the affidavit?

6 A. This was during my visit. Let's
7 see. I had an initial visit here, and this
8 was done on my second visit.

9 Q. When was your initial visit?

10 A. It had to be early --

11 MS. RODGERS: Object to form. Go
12 ahead and answer.

13 THE WITNESS: It had to be early
14 February. It was like the week before this
15 week.

16 MR. DODD: Q. Approximately
17 February the 3rd?

18 A. No. I don't know. They have
19 their calendars, you can ask them. I have
20 no idea.

21 MS. RODGERS: Object to form.

22 MR. DODD: Q. You had two
23 meetings with your lawyer before this was
24 completed, the EEOC charge?

25 A. Correct. I met with them twice.

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1 Q. Look at Paragraph 3, please.

2 A. Okay. On the first page?

3 Q. Yes. You are referring to Chris
4 Mahaffy saying that he had never seen a black
5 person before he came to the United States of
6 America?

7 A. Yes.

8 Q. Did he make that statement to you?

9 A. He did.

10 Q. When was that statement?

11 A. This was during the time that Bob
12 Elliott was Dean.

13 Q. Is that statement offensive to you?

14 A. It was offensive to me because of
15 what he had done earlier. He had come into
16 my office and he had -- it looked like a
17 magazine. And he was far enough away that I
18 couldn't really tell what it was, but close
19 enough that I could see the image. He says,
20 "What is this on here?" And I said, "A
21 monkey." And he walked over to my desk and
22 laid it down and it was a black man. So,
23 yes, this was offensive to me.

24 Q. Let me make sure I understand what
25 you just said, because I don't think I did.

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1 I think I must have missed something.

2 A. Okay.

3 Q. He held up a magazine and asked
4 you what it was?

5 A. Yes. Say, he was from --

6 Q. Right. You said "it looks like a
7 monkey."

8 A. That's what I said.

9 Q. He brought it over and put it on
10 your desk, and it was a picture of a black
11 man?

12 A. Yes. He laughed, and he left.

13 Q. Is that all he said?

14 A. He laughed and he left.

15 Q. He said nothing else?

16 A. (Witness nods head)

17 Q. How long before this comment in
18 your affidavit did he do that?

19 A. As I said, this was during the
20 time when Dr. Elliott was Dean. That's all
21 I could tell you. In fact, as I said, Dr.
22 Elliott was there. In this same time we
23 were talking about student enrollment trends.
24 The population of black versus white census
25 on Campus had changed to a greater number of

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1 blacks. We were -- well, not we. I was
2 sitting at my desk and they were discussing
3 the trends, he and Dr. Elliott. He made the
4 comment that some blacks didn't seem as smart
5 as whites. I took offense to that. After he
6 left, I went into Bob's office and I
7 discussed it with him. He said, "Chris is
8 crazy." Nothing was done beyond that.
9 "Every Dean has had a problem with Chris."

10 Q. Did you ask Elliott to take any
11 particular action?

12 A. He just said, "Chris is crazy."
13 That's all I remember him saying. There was
14 no action taken. I guess he didn't think
15 there was any action needed.

16 Q. My question is, did you ask him to
17 take any action?

18 A. I did not ask him to take action.
19 But I did voice my concern about the
20 statements.

21 Q. When he was having that
22 conversation with Elliott, was he talking
23 about citizens or students?

24 A. Well, I think I said they were
25 talking about the difference in the student

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1 population.

2 Q. Right.

3 A. Then it turned to blacks didn't
4 seem as smart as whites, which I felt he
5 thought because the population had changed,
6 the content of their conversation whatever it
7 was, meant it was because of the blacks.

8 The number of blacks rising instead of
9 falling or whatever.

10 Q. Have you ever seen an Irishman
11 before?

12 A. No. Are you telling me Chris
13 isn't Irish?

14 Q. No.

15 A. Okay.

16 Q. Look at Paragraph 6, please. You
17 are referring to Glen Ray.

18 A. Yes, sir.

19 Q. Did you ever determine what remarks
20 Glen Ray referred to?

21 A. I asked him and his comment to me
22 -- he said, "They were so bad he couldn't
23 repeat them." That's all I can tell you.

24 Q. Look at Paragraph 9, please. Is
25 that the incident we have already talked

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1 about?

2 A. That's correct.

3 Q. Now, look at 10. The memorandum
4 instructs Mahaffy to avoid retaliatory behavior
5 toward you?

6 A. Uh-huh.

7 Q. You say he has not done so?

8 A. Uh-huh.

9 Q. What conduct is that referring to?

10 A. Going back to No. 9.

11 Q. Same thing?

12 A. Uh-huh. And the fact that he was
13 standing with me with his overcoat on with
14 his hands in his pocket on January 18th.
15 That was after the complaint had been filed.

16 Q. But that was before AUM issued the
17 February 3rd memorandum, correct?

18 A. Okay.

19 Q. Yes?

20 A. Yes.

21 Q. Look at Exhibit B, if you would,
22 please. Okay.

23 Now, you weren't an original
24 recipient of this memorandum, were you?

25 A. No. My name is not on there.

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1 Q. How did you get a copy of this?

2 A. Dr. Lawal gave it to me.

3 Q. Did you tell him you were going to
4 make a copy it?

5 A. He said to do what I had to do
6 concerning Chris.

7 Q. Did you interpret that to mean I
8 can take this document and copy it and go
9 outside with it?

10 A. Yes, sir. That's what he told me
11 to do at that time.

12 Q. Well, he didn't literally tell you
13 to copy this document and take it outside?

14 A. I am telling you what I
15 interpreted it to mean.

16 Q. Did you tell him you had made a
17 copy of it?

18 A. Yes. And he said that he didn't
19 -- what did he say? He said, "I didn't
20 intend for you to do that because we need to
21 save the documentation if we file suit in the
22 summer." I told him that I couldn't wait
23 until the summer because I was being
24 retaliated against and in a workplace where I
25 just really couldn't stay.

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1 Q. When did you first see what's
2 marked as Exhibit B to your affidavit?

3 A. We were in -- Dr. Lawal and I
4 were in the lobby of Goodwyn Hall. He asked
5 me to go down there with him. He opened the
6 letter. He read it, and he gave it to me.
7 He didn't keep it to put it in a
8 confidential file in his office. He gave me
9 the letter. We walked back up to the
10 office. And I had the letter in my hand
11 when we went back to the office.

12 Q. Did you and he discuss it?

13 A. Well, we did because I told him I
14 was going to use it.

15 Q. You hadn't seen it before being
16 with him in the lobby?

17 A. Dr. Lawal showed it me.

18 Q. You had not seen it before then?

19 A. Uh-huh. In fact, I pointed out to
20 him that the very first statement on this
21 letter, in my meeting with Dr. Ritvo I asked
22 for a summary of my meeting. He said there
23 were no summaries going to be given out.
24 Yet, this memo starts, "It serves as a
25 summary." Chris got a summary of his

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1 meeting, but I didn't get a summary.

2 Q. Nobody was seeking to discipline
3 you, were they?

4 MS. RODGERS: Object to form.

5 THE WITNESS: Well, I was
6 retaliated against. I was subjected to a
7 hostile environment.

8 MR. DODD: Q. Had anybody filed
9 a complaint against you in which you ended up
10 being disciplined?

11 A. Well, Barbara Ware.

12 Q. With respect to the Mahaffy
13 incident?

14 A. No.

15 Q. In fact, you were somebody who was
16 complaining against Mahaffy, were you not?

17 A. I wasn't complaining. I was
18 letting the University know that I was in a
19 situation that needed attention. That's
20 different from complaining.

21 Q. Would you consider your December
22 the 3rd memorandum a complaint or not?

23 A. It says that it's a complaint, I
24 believe.

25 Q. I am asking you what it is. You

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1 wrote it.

2 MS. RODGERS: Object.

3 Argumentative. Just look at it.

4 THE WITNESS: It's the complaint
5 that Dr. Ritvo asked me to write.

6 MR. DODD: Q. Are you the
7 complaining party in this complaint?

8 MS. RODGERS: Object to form.

9 THE WITNESS: I am the author of
10 that memo.

11 MR. DODD: Q. Now, Ms. Ellison,
12 by the time you signed your affidavit and
13 signed your EEOC charge, you had already
14 given the University notice of your
15 retirement, correct? In fact, that's the
16 fourth exhibit to your EEOC charge, isn't it?

17 A. And if I'm not mistaken, that's
18 probably the date that Dr. Lawal received the
19 communication from Julian McPhillips.

20 Q. What date?

21 A. February the 9th, 2005.

22 Q. Do you believe that to be the
23 case?

24 A. I don't know. I don't have it
25 with me to look at it.

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1 Q. My question is, by the time you
2 had signed your affidavit and signed your
3 EEOC charge, you had already given the
4 University notice of your retirement, right?

5 A. I was in such a state that I had
6 no recourse. I had nothing else to do.

7 Q. I am only asking you if you had
8 given notice of your retirement before you
9 signed the affidavit and before you signed
10 the EEOC charge?

11 A. I don't remember.

12 Q. Well, let's look. What is the
13 date on your notice to Bayo Lawal of your
14 retirement?

15 A. February the 9th, 2005.

16 Q. What is the date of your signature
17 on your affidavit?

18 A. February 10th.

19 Q. And on your EEOC charge?

20 A. February the 10th.

21 Q. Your resignation did precede the
22 completion of your EEOC charge?

23 A. Because I explained to my attorneys
24 what was happening to me and they advised me
25 to leave.

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1

MS. RODGERS: Object to form.

2

MR. DODD: That's fine. I'm just
3 trying to establish a sequence. I didn't ask
4 you why.

5

MS. RODGERS: You don't have to
6 argue or even comment on that. Let him
7 argue. You answer the questions. When you
8 finish answering your questions, you are
9 finished until the next question is asked and
10 not argued.

11

MR. DODD: Q. Who is Debra
12 Carter?

13

A. She is my ex sister-in-law.

14

Q. Why is she on your list?

15

A. Because she comes to the church
16 that I go at least twice a month and I
17 shared with her some of the events that were
18 happening to me on the job.

19

Q. Do you know if she has any
20 firsthand knowledge of what was happening to
21 you on the job?

22

A. Only what I told you.

23

Q. Is she a parishioner at your
24 church, or does she have any other function
25 there?

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1 A. She is a member at the church.

2 Is that the same as a parishioner?

3 Q. I intended it in that fashion.

4 A. Okay.

5 Q. Did you look to her for any sort
6 of spiritual guidance?

7 A. I looked to her really for advice.
8 Because she was a woman. I was being
9 retaliated against. I was in an
10 uncomfortable situation, and I needed to talk.

11 Q. What advice did she give you?

12 A. She advised me to document
13 everything and to report everything to my
14 supervisors and the chain-of-command.

15 Q. Did she give you any other advice?

16 A. Such as what?

17 Q. I'm sorry.

18 A. Such as what? What other advice?

19 Q. Any other advice.

20 A. She was a listening ear.

21 Q. Is that a "no"?

22 A. Was there a question?

23 Q. Yes.

24 A. What was the question?

25 Q. I asked you what other advice, if

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1 she gave you any other advice?

2 A. She didn't give me any other
3 advice.

4 Do you mind if I get some water?

5 Q. Go ahead. Ms. Ellison, I want to
6 ask you some questions about the complaint
7 you filed in Federal Court, right?

8 A. Okay.

9 Q. That's different than the EEOC
10 charge. Are you with me?

11 A. Okay.

12 Q. In your complaint you refer to
13 four distinct claims. One is for race
14 discrimination; one is for retaliation; one is
15 for harassment; one is for a constructive
16 discharge. I want to ask you a little bit
17 about those claims.

18 A. Okay.

19 Q. You say that you were forced to
20 retire, right?

21 A. Right.

22 Q. Now, was that forced retirement a
23 result of the race discrimination, the
24 retaliation and the harassment?

25 A. And the hostile work environment.

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1 Q. Hostile work environment. When I
2 say "harassment," I will try to remember to
3 include hostile work environment, but I am
4 referring to both.

5 A. Okay.

6 Q. Did you suffer any tangible job
7 detriment, other than being forced to retire
8 on account of any of the kinds of
9 discrimination you are claiming?

10 A. Job detriment at AUM?

11 Q. Yes.

12 A. I couldn't do my job. After the
13 complaint was filed, it was almost impossible
14 to do work.

15 Q. The complaint you are referring to
16 is December 3rd?

17 A. December 3rd, 2004.

18 Q. Right. Well, did you suffer a
19 loss in salary as a result of that?

20 A. No.

21 Q. Did the University deny you any
22 leave as a result of that?

23 A. No.

24 Q. Do you know if the University took
25 any sort of tangible action that affected

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1 your job adversely?

2 A. I was affected adversely because I
3 was not given security.

4 Q. We talked about that already.

5 A. Right.

6 Q. Okay. Did you feel compelled to
7 retire because of the race discrimination you
8 felt?

9 A. I felt compelled to retire because
10 of all of it. Race, all of it. In fact,
11 even after the conclusion of the first
12 investigation with the Allison Stevens
13 incident, Debra Foster sent me her letter and
14 Allison her letter. Both our names was on
15 the letter. The day after that she sent me
16 an e-mail to the Hyundai site and called me
17 and said she sent it to me because I was
18 eligible to retire, and she thought she would
19 send that to me.

20 Q. Did you ever talk with anyone
21 about applying for a job out there?

22 A. No, I did not.

23 Q. You didn't talk to Bob Elliott
24 about that?

25 A. I didn't. I talked to him about

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1 my daughter applying for a job out there.

2 Q. Other than the remarks you refer
3 to in the third paragraph of your affidavit
4 that Chris Mahaffy made --

5 A. Yes, sir.

6 Q. -- did he make any other racially
7 insensitive remarks to you?

8 A. Well, as I told them as I was
9 doing this, there were so many I couldn't
10 remember them all. I gave you the one about
11 the magazine with the man and the monkey.
12 This was just something that Chris did. I
13 mean, I didn't know to write down every
14 single one.

15 Q. Can you recall any others other
16 than those three?

17 A. Not at this time.

18 Q. Is there anywhere you would go to
19 refresh your recollection as to how many
20 times he made comments that you found
21 insensitive?

22 A. What you say where I would go, do
23 you mean to AUM, to my house, to what?

24 Q. You said you can't recall. I'm
25 just trying to see if there was some way we

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1 can assist your recollection.

2 A. I don't know how you can assist
3 me.

4 Q. You don't have a written record
5 somewhere of bad things that Chris Mahaffy
6 said?

7 A. No. I don't have that.

8 Q. You have given all the records
9 about your allegations to your lawyer, right?

10 A. I have.

11 Q. Did Roger Ritvo ever make any
12 racially insensitive remarks to you?

13 A. He did not.

14 Q. Did Bayo Lawal make any racially
15 insensitive remarks to you?

16 A. Well, he did.

17 Q. What were they?

18 A. He said that -- well, he didn't
19 particularly care for Glen Ray as the
20 Associate Dean because he said he didn't keep
21 any of the matters they discussed
22 confidential. He wanted me to suggest to him
23 who he could have take his place at the end
24 of his tenure as Associate Dean that coming
25 summer. Because it was a two-year

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1 appointment. I suggested Rosine Hall. He
2 says, "No, I don't want her." I said, "What
3 about me? I know the school." He says, "I
4 don't want a woman assistant, black or
5 white." That was the only racial thing that
6 I can remember right now.

7 Q. We have talked about Mahaffy's
8 remarks, right. We have talked about his
9 conduct. Showing up in your office and that
10 sort of thing. We talked about Allison
11 Stevens.

12 A. Yes.

13 Q. Are there any other incidents of
14 racial discrimination or harassment that you
15 are aware of?

16 A. Towards me?

17 Q. Yes. Toward you.

18 A. I can't recall right now. There
19 is one more that I thought of.

20 Q. All right.

21 A. I'm sorry.

22 Q. It's all right.

23 A. I am hesitating because I am
24 thinking about the date.

25 Q. You know I am going to ask you

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1 that.

2 A. Yes. I am more than certain that
3 it was after the overcoat incident, which was
4 on or about January the 18th or 19th.

5 Several days later Chris came into my office
6 and there was a student worker at the other
7 desk. He came into my office and stood in
8 front of me. I was busy doing something.

9 He got my attention. He says, "I want you
10 to read my shirt." And I looked up and the
11 shirt said something like, "I am a redneck."
12 He said, "What do you think about that?" I
13 said, "I am offended." He laughed and left.
14 I went into Dr. Lawal's office and reported
15 it.

16 Q. What did Lawal say?

17 A. He didn't say anything really. I
18 just wanted to be sure I reported it.

19 Q. Who was the student worker?

20 A. Nikki Gibson. And this was the
21 time when I had hired five student workers.
22 So I think Nikki -- because I had to staff
23 the Advising Office and the Dean's office and
24 their schedules -- I believe it was Nikki
25 Gibson and Marquita Snow.

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1 Q. They were both in there?

2 A. Yes, sir.

3 Q. Tell me why you were offended by a
4 T-shirt that says, "I am a redneck"?

5 A. Because I feel like "redneck" means
6 you are looking down on the minority. That's
7 the person who feels like minorities are
8 lower class.

9 Q. Have you ever heard any other
10 definition of "redneck"?

11 A. I can't say that I have, sir.

12 Q. Would you be surprised to know
13 there are others?

14 A. I wouldn't be surprised.

15 Q. If you think of other incidents,
16 just interrupt me and let me know. Okay.

17 A. I will.

18 Q. I asked some questions earlier
19 about Mahaffy before he became Chair of
20 Physical Sciences.

21 A. Okay.

22 Q. I am going to ask you some
23 questions about him after he became Chair.

24 A. Okay.

25 Q. Okay. Did he ever touch you?

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1 A. You asked me that, and I said
2 "no."

3 Q. I thought I was referring to the
4 previous time. He has never touched you then?

5 A. No.

6 Q. He has never made any physical
7 oral threats to you, has he?

8 A. You said "physical" and "oral."

9 Which one did you --

10 Q. Oral threats of physical -- strike
11 that.

12 Has he ever made a statement to
13 you that you found threatening?

14 A. Yes, sir.

15 Q. What did he say?

16 A. He said that he was going to get
17 me because I was on the second Dean search,
18 and he was not selected to the short list to
19 be interviewed.

20 Q. When did he say that?

21 A. It was -- I can tell you exactly
22 because he was interviewing for the position
23 that Barbara now has. So it was about mid
24 July, 2005. Because I think Barbara was
25 hired in July. It was around the time she

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1 was hired.

2 Q. Who are you referring to?

3 A. Chris Mahaffy.

4 Q. Barbara?

5 A. Barbara Ware. I'm sorry.

6 Q. 2004 maybe.

7 A. No. Okay. I was on the second
8 Dean search which ended about April or May of
9 2005. I'm sorry. Yes, I am behind. 2004.

10 Q. Okay. It was approximately mid
11 2004 that he made that statement

12 A. In July. It was whenever Barbara
13 Ware was hired.

14 Q. He said he was going to get you?

15 A. That's what he said.

16 Q. Did he say anything else?

17 A. That's pretty much what he said at
18 that time.

19 Q. You interpreted that as a threat?

20 A. I did.

21 Q. Who did you report it to?

22 A. Brad Moody.

23 Q. What did Brad do?

24 A. I believe Brad, if I'm not
25 mistaken, talked to Chris.

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1 Q. Why do you think he talked to
2 Chris?

3 A. Because we were going through some
4 more issues with Chris. I mean, I can't
5 tell you every single thing because they
6 didn't tell me. Glen would share with me
7 that Chris was a problem. He would share
8 that almost every single day of the week.

9 He really went over the edge when he did not
10 get to be Dean. He continued to harass me
11 because he thought for some reason, and I am
12 sure the reason was because he thought I
13 could influence the Committee because I was
14 the only black on the Committee, and maybe he
15 thought I knew him and I was going to say
16 things good about him. In fact, he came to
17 me with an e-mail address and said, "No one
18 will know if you send me information about
19 the Committee's work, Search Committee's work
20 to this e-mail address." I reported that to
21 Brad. I reported it to Glen, and I also
22 reported that to Judd Katz. And at that
23 time I told Chris it was inappropriate and I
24 would not do it.

25 Q. Do you think that Mahaffy was mad

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1 at you because you didn't support him to be
2 Dean?

3 A. He said he was.

4 Q. Do you believe that?

5 A. He was convincing to me.

6 Q. I believe you told me that Dr.

7 Lawal is the individual you contend retaliated
8 against you?

9 A. He wasn't the only one.

10 Q. Who else?

11 A. I believe Debra Foster retaliated.

12 Q. When did Debra Foster retaliate?

13 A. In sending me that e-mail and
14 saying, "You know, you have got enough time
15 to retire. Here is a site, Hyundai. Why
16 don't you look into getting a job." That
17 was at the end of the complaint with Allison.

18 Q. That was back in spring of 2004?

19 A. If that's the date on her report,
20 yes. I think it was about then.

21 Q. Did Debra Foster retaliate against
22 you in any other way?

23 A. Yes.

24 Q. How?

25 A. She called me to her office after

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1 -- and forgive me if I don't know which one,
2 EEOC, affidavit whatever. Whatever had been
3 filed she had been in contact with, she told
4 me the University attorneys. That they had
5 given her some information to give me. She
6 needed to see me. Actually, there were two
7 occasions that this happened.

8 The first occasion she just said,
9 "We are working on it. We are looking into
10 it."

11 The second time she called me over
12 there she said, "The University attorney
13 called, and they said to tell you that" --
14 and this is the first time I ever heard of
15 the phrase "constructive discharge." That you
16 are not getting constructive discharge. They
17 want to know what you want."

18 I said Debra, "I simply want you
19 to do your job." We were sitting in Faye
20 Ward's office. Debra and I were sitting at
21 the table. Faye was sitting behind her desk.
22 She said, "What do you want?" And I said,
23 "I really want you to do your job." And I
24 asked a simple question. I said, "Debra, do
25 you believe that I have been mistreated? I'm

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1 not asking you to take sides." I said, "But
2 you know what has happened to me." Well,
3 whatever the periods of times before that I
4 had been here. "I am simply asking you do
5 you believe I have been mistreated?" Debra
6 stormed out of the room. Came back. No, she
7 sent a student back. Handed me a piece of
8 paper. No, it was Debra. Debra came back,
9 handed me a piece of paper and she said, "If
10 you have anything else to say, say it to our
11 attorneys." When I looked at the paper it
12 said Tom Rebel, whatever his information is.
13 That's when I came to Julian McPhillips.

14 I had no intention of coming here,
15 but when I saw that the University wasn't
16 going to do anything because she told me she
17 was representing the attorneys. So she ended
18 it with, "Do what you have to do." So I
19 did what I had to do given that she handed
20 me the information to do it with and said,
21 "The next conversation, let it be through the
22 attorneys."

23 Q. What did she hand you?

24 A. A piece of paper that had a
25 typewritten name and address of somebody named

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1 Rebel, and I gave that information to Mr.
2 McPhillips.

3 Q. Early February you think?

4 A. It had to be.

5 Q. How did the topic of constructive
6 discharge come up?

7 A. Debra brought it up.

8 Q. Had you said or written before
9 that time that you felt like the University
10 was forcing you out?

11 A. Absolutely.

12 Q. Other than Debra Foster and Dr.
13 Lawal, did anybody else retaliate against you?

14 A. I have said I think Dr. Ritvo
15 retaliated.

16 Q. Tell me how he did that.

17 A. The no security issue. I think he
18 treated Chris differently than he treated me.
19 The letter that Bayo shared with me that was
20 written to Chris states that Chris had a
21 month to decide what he wanted to do. Then
22 he had until the end of the summer to
23 complete whatever he decided he wanted to do.
24 Yet, they had taken me off Campus that day
25 because they knew he was a threat.

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1 Q. Now, what makes you think that
2 Ritvo did those things because you had
3 complained at his request?

4 A. I think I viewed it as
5 retaliation. Now, I don't know how else to
6 explain it.

7 Q. Okay. Let's try it this way.
8 What is your definition of retaliation?

9 A. Getting back at someone or --
10 well, let me just leave it like that.
11 Getting back at someone or something like
12 that.

13 Q. You felt that Roger Ritvo was
14 getting back at you for doing what?

15 A. I felt in general Ritvo, the
16 University, everybody's name that I gave on
17 that list was retaliating against me because
18 I filed these complaints.

19 Q. Now, Roger Ritvo, though, solicited
20 that complaint from you, did he not?

21 A. He did. But he didn't do what he
22 said he was going to do. He said he was
23 going to put it with Bayo and send it to
24 Debra. That's the first thing that didn't
25 happen.

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1 Q. Why is that significant?

2 A. Because I feel like if you tell me
3 something that you are going to do, and I am
4 saying that I am being mistreated and
5 retaliated against, and you are being
6 mistreated and retaliated against, you take
7 one and put it in the file and you take the
8 other, send it up and then you tell the
9 person, "Cynthia filed a complaint." I
10 become the target. That's the way I felt.

11 Q. How do you know that Roger Ritvo
12 ignored Bayo's complaint?

13 A. Because Bayo told me. He didn't
14 say he ignored it. He said that he, Bayo,
15 and Debra Foster and Ritvo had talked. They
16 said they were going to view his complaint as
17 a management style problem. But he, Bayo,
18 told me that he said to Debra Foster and to
19 Dr. Ritvo, "This is not management." This is
20 harassment." And he wanted his complaint
21 considered with mine.

22 Q. You haven't seen his complaint,
23 have you?

24 A. I have not seen his complaint.

25 Q. Other than the conduct we talked

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1 about at some length --

2 A. What conduct?

3 Q. -- concerning Chris Mahaffy.

4 A. Yes.

5 Q. -- is there anything else you want
6 to add about how he retaliated against you?

7 A. Chris?

8 Q. Yes. We talked about coming to
9 your office and looking in the window and
10 standing at your desk. Anything else?

11 A. Well, I think the remark that he
12 is going to get me. That was retaliation
13 for not being selected for the short list on
14 the Dean's search.

15 Q. I understand that. Is that all
16 you can think of?

17 A. I think that the incident with
18 the, "I am a redneck" T-shirt.

19 Q. We talked about that.

20 A. Uh-huh. I am going to stand for
21 a moment.

22 Q. Do you want to walk down the hall?

23 A. I'm fine. I just need to stretch
24 my leg.

25 Q. Ms. Ellison, do you think that the

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1 folks we have talked about, Ritvo, Mahaffy,
2 Bayo, did the things they did after you filed
3 your complaint in order to force you out?

4 A. That's my belief.

5 Q. Do you believe that that was -- I
6 mean, that was their goal, right?

7 A. I can't speak for them.

8 Q. What would you point to, if
9 anything, to show that they took action
10 deliberately to force you out?

11 MS. RODGERS: Object to form.

12 THE WITNESS: In particular, the
13 treatment the last week and a half that I
14 received from Bayo, and the treatment I
15 received all along from Chris, and again the
16 e-mail from Debra. I think she wanted to
17 see me go.

18 MR. DODD: Q. That was the year
19 before, wasn't it?

20 A. It still happened.

21 Q. Let's talk about your environment
22 from the time you filed the complaint on
23 December 3rd until you left on February 14th.

24 A. Okay.

25 Q. Your office was the same, wasn't

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1 it?

2 A. Did you say "office"?

3 Q. Yes.

4 A. Yes, sir.

5 Q. The same office. Your hours of
6 work were the same?

7 A. That's correct.

8 Q. You had the same student help,
9 didn't you?

10 A. I did.

11 Q. Did you receive any negative
12 evaluations of any kind concerning your work?

13 A. It wasn't time for evaluations.

14 Q. Did you receive any negative
15 comments at all concerning your job
16 competency?

17 A. Well, Bayo commented that he didn't
18 seem to think I was getting things done fast
19 enough.

20 Q. When was that comment made?

21 A. This was after our meeting on the
22 31st of January with Ritvo.

23 Q. What was he referring to?

24 A. I don't remember exactly what I
25 was working on. But he just -- as I said

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1 earlier, he just changed. Nothing I did
2 pleased him. I couldn't do it right, and I
3 had been doing the same things before.

4 Q. Well, were you behind on whatever
5 you were working on?

6 A. I wasn't behind. As I stated
7 earlier, he told me, "Don't open the mail any
8 more. Don't talk to me any more. If you
9 want to talk to me, send me an e-mail." When
10 two people are working in the office it is
11 not feasible to send e-mails to get the job.

12 Q. He told you that as a result of
13 the shredding incident, didn't he?

14 A. You asked me what changed between
15 December and the time I left. That was in
16 that period.

17 Q. Now, I am trying to pinpoint.
18 That was after the shredding incident, wasn't
19 it?

20 A. Yes.

21 Q. Did any of your job duties change?

22 A. I think they changed because he
23 wouldn't let me do them.

24 Q. What wouldn't they let you do?

25 A. He wouldn't let me do the routine

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1 things in the office.

2 Q. Open the mail?

3 A. Open the mail, communicate with him
4 about who is on the phone, who needed to see
5 him. It was virtually shut down. So, in my
6 opinion, I felt like he forced me to leave.
7 I'm not going to sit there and work for
8 nobody when he is saying -- and he said to
9 me, "You have done this to me because of
10 that suit." He just completely changed.

11 Q. This was after, I guess, he had
12 gotten the letter then?

13 A. After the letter?

14 Q. From the lawyer.

15 A. From the lawyer and after I used
16 Chris' letter. He told me that I had
17 compromised the integrity of the office. He
18 didn't trust me any more. He didn't want me
19 to do anything. And I reminded him that he
20 gave me the letter and told me to do with it
21 what I thought I needed to do.

22 Q. He learned that you had given the
23 letter to the lawyer how? Strike that,
24 please.

25 How do you think he learned that

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1 you had given the letter to the lawyer?

2 A. I guess in the correspondence from
3 the lawyer. I really don't know.

4 Q. During that time you didn't take
5 any leave of absence, did you?

6 A. During what time?

7 Q. December the 3rd through February
8 14th.

9 A. I took funeral leave.

10 Q. Funeral leave?

11 A. Uh-huh.

12 Q. That was for your father?

13 A. Yes. And I also took -- I may
14 have had two or three vacation days in there
15 because I was going to the Cancer Center for
16 treatment for my condition.

17 Q. Those were voluntary things on your
18 part?

19 A. Right.

20 Q. Other than those treatments, you
21 didn't seek any kind of medical or
22 psychological assistance during that time?

23 A. Just with my pastor.

24 Q. You didn't receive any reprimands,
25 did you?

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1 A. From Dr. Lawal or at all?

2 Q. From anyone.

3 A. Not that I recall.

4 Q. Your pay didn't change, right?

5 A. That's correct.

6 Q. Chris Mahaffy didn't make any
7 racially-related remarks to you after December
8 3rd, did he?

9 A. Not any racial remarks, but he
10 intimidated me by coming to my office.

11 Q. I think you wrote somewhere that
12 other staff members or faculty stopped talking
13 to you.

14 A. Yes.

15 Q. Do you recall that?

16 A. I do.

17 Q. When did that occur?

18 A. It occurred after the -- I think
19 that was after the incident with Allison.

20 Q. That was back in 2004?

21 A. Right.

22 Q. Did that ever change?

23 A. Dr. Thomas and Ms. Findley pretty
24 much spoke to me and talked to me, but the
25 rest of them didn't.

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1

Q. How many others were there?

2

A. Dr. Arnold, Mr. Russell, Jill

3

Rollins. It's been some time, so bear with
me.

5

Q. I understand.

6

A. Arnold, Russell, Jill Rollins and
there was Thomas and Findley. That was the
staff.

9

Q. Do you believe that somebody
encouraged them to stop communicating with
you?

12

A. Well, I know that they had a
Departmental meeting because Bayo told me, and
they discussed me in the meeting. That's
when I noticed the change in the behavior of
some of them.

17

Q. What did Bayo tell them?

18

A. Bayo didn't tell them anything.

19

He said that Chris had a meeting with them.

20

Q. What did Chris tell them?

21

A. I wasn't in the meeting.

22

Q. You don't know?

23

A. No. I wasn't in the meeting.

24

Q. Do you know if anyone else --

25

A. I'm sorry. I made a mistake.

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1 That wasn't Bayo. That was Brad because that
2 was after.

3 Q. Brad told you that Mahaffy had had
4 a meeting?

5 A. It was either Brad or Bob. After
6 the Allison incident and Brad was in the
7 Dean's chair. It was Brad and not Bayo.

8 Q. Did anyone else in the School of
9 Sciences have complaints about Mahaffy?

10 A. Just about everybody in the School
11 of Sciences.

12 Q. What kind of complaints did the
13 other folks have about him?

14 A. I can only tell you what they
15 expressed to me.

16 Q. That's fine.

17 A. Rosine Hall called me, or she was
18 in the office making copies and she said that
19 Chris had come to her office and spent an
20 hour venting about what had happened. When I
21 say, "what had happened," I am talking with
22 the situation with him being taken down as
23 Department head. She said for me to be
24 careful because he was really upset, and he
25 was nuts.

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1 Dr. Elliott referred to -- they
2 basically all made the comment that he was
3 crazy. Something was wrong with him. The
4 Department heads had a problem with him in
5 the Department head's meeting. It was just a
6 combination of student complaints, faculty
7 complaints. Everybody just about.

8 Q. Do you know if anyone ever
9 complained about the types of -- strike that.

10 Do you know if anybody complained
11 about any sort of physical activity of
12 Mahaffy?

13 A. Just that one incident that I
14 remember that I told you about earlier. He
15 and a student got into it in one of the
16 labs.

17 Q. Do you know if anyone else
18 complained about Mahaffy?

19 A. I thought we just answered that.
20 What was the question previous to this?

21 Q. Well, maybe it was my misuse of
22 language. I asked you if anybody had
23 complaints about him. The second question
24 was, did anyone actually complain about him
25 to Debra, to the Dean?

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1 A. Debra will have to answer that
2 question. We did have complaints to each
3 Dean. We had complaints to Brad. We had
4 complaints to Bob. We even had complaints to
5 Joe Hill about Chris Mahaffy.

6 Q. Coming from all different people?

7 A. Different people, yes. In
8 particular, I can give you an example.

9 Q. Okay.

10 A. I think this is when Brad was the
11 Dean. Chris told a student that he was too
12 old to get into pharmacy school and the
13 student complained to us. It went all the
14 way to the Vice Chancellor's office. I don't
15 know what the follow up was. I do know that
16 several times they had to go downtown
17 somewhere.

18 Q. Do you know if anything was ever
19 done by the University in response to the
20 complaints about Mahaffy up until 2005, of
21 course?

22 A. Define "done." What do you mean
23 by "done."

24 Q. Any action taken against him for
25 his behavior?

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1 A. Nobody really wanted to take
2 action. They just let him keep going. In
3 fact, it was a joke. He was being passed
4 from one Dean to the other.

5 Q. Do you know if anyone else
6 resigned because of Mahaffy's behavior?

7 A. I have no firsthand knowledge of
8 that.

9 Q. Have you heard of anyone resigning
10 because of Mahaffy's behavior?

11 A. Give me a minute. I'm going back
12 over 20 years. Not that I recall.

13 Q. Now, you resigned or retired on
14 February the 9th, 2005, right?

15 A. I turned that memo into Dr. Lawal
16 then, yes.

17 Q. Then you agreed to stay on until
18 February 25, right?

19 A. Right. In that agreement, I said
20 with the stipulation that I get security.

21 Q. You had planned to stay on until
22 February 25, had you not, until the shredding
23 incident came along?

24 A. I had planned to stay another two
25 or three years. I had committed to Dr.

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1 Lawal that I would be there.

2 Q. I am referring now to the
3 retirement notice you handed in on February
4 9th?

5 A. Okay.

6 Q. And you committed to staying on
7 through February 25th and then that changed
8 on February the 14th, right?

9 A. It did change on February the
10 14th. February the 25th.

11 Q. Isn't it true that you did tell
12 Lawal that you would stay on through the 25th
13 if security would assure you they would do a
14 walk-through at least once a day?

15 A. Yes. He asked me to stay, and I
16 said "with security."

17 Q. If they did a walk-through once a
18 day?

19 A. I didn't say that.

20 Q. You did agree to stay through the
21 25th if there was security?

22 A. Right. And he told me that that
23 wasn't up to him. It was up to Dr. Ritvo.

24 Q. Until the fall out from the
25 shredding incident, you had planned to stay

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1 through February 25th, had you not?

2 A. Well, I had gone to him, and
3 that's what I put in writing. When I asked
4 him about security nothing was done.

5 Q. I'm sorry. I didn't hear you.

6 A. Nothing was done when I asked
7 about getting security.

8 Q. Is that why you left on the 14th?

9 A. I left because it was an
10 impossible situation to work.

11 Q. You had a big fight with Lawal on
12 the 14th, didn't you?

13 A. I did not.

14 MS. RODGERS: Object to form.

15 THE WITNESS: No, sir, I did not.

16 MR. DODD: Q. Would you have
17 stayed through the 25th if the shredding
18 incident had not occurred?

19 MS. RODGERS: Object to form.

20 THE WITNESS: Given the fact that
21 he had given me the letter concerning Chris,
22 I had planned to keep my two-year commitment
23 not to just February the 25th.

24 MR. DODD: Q. I understand that.

25 I am asking you now about your retirement

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1 notice you handed in on February the 9th,
2 right?

3 A. Right.

4 Q. After you did that you told him
5 you would stay through the 25th if you had
6 security?

7 A. Right.

8 Q. Right?

9 A. Uh-huh.

10 Q. But you didn't, did you?

11 A. Because events changed and it
12 wasn't just the shredding.

13 Q. Didn't you make up your mind to
14 leave on Monday February 14th?

15 MS. RODGERS: Object to form.

16 THE WITNESS: I was forced to
17 leave on February the 14th.

18 MR. DODD: Q. For whatever reason
19 you decided to leave on February 14th, right?

20 A. Yes. I left because I was forced
21 to leave.

22 Q. What happened on February 14th that
23 forced you to leave?

24 A. Dr. Lawal was indignant. He
25 called me in his office and said that he had

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1 been working out there on Saturday, and he
2 saw the shredding bags where I normally put
3 shredding bags. And that I had not gotten
4 his permission to shred. And that he had
5 called Ritvo at home that Saturday and asked
6 him what he should do. He said that Ritvo
7 told him to collect the shredding bags and
8 bring them to his office. I don't know who
9 took them over there. That's what he told
10 me. But when I got ready to go out of Dr.
11 Lawal's office, the shredding bags were
12 stuffed up under the couch in his office. I
13 said, "Is this some of the shredding? Do
14 you want to look in it to make sure that
15 it's what I told you it was?" It was the
16 time -- they were old time sheets, pay
17 schedules, you know, grade sheets and so
18 forth. He said "no." And then again he
19 asked me to leave his office and I did.

20 Q. Then you sent him a note and said
21 you are leaving at 1:00 o'clock that
22 afternoon, right?

23 A. Right. I did not sit down
24 immediately and say, "I am leaving at 1:00
25 o'clock."

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1 Q. Is it true that the confrontation
2 you had with Lawal that morning, February
3 14th, is what led you to leave AUM at 1:00
4 o'clock that afternoon?

5 MS. RODGERS: Object to form.

6 THE WITNESS: As I stated earlier,
7 there was no confrontation. He stated to me
8 how he felt. I think I also told you
9 earlier that he said he did not trust me. He
10 didn't want me to do anything in the office.
11 I was just to sit there really. Don't open
12 anything. Don't do anything. And that was
13 retaliatory because of my complaint I had
14 filed.

15 It was also retaliatory in nature
16 to me because he wanted to file a complaint
17 that summer, and he told me that now he
18 would not be able to do it. The environment
19 I was in, that just worsened the environment.
20 I was sitting in a hostile environment.

21 MR. DODD: Q. What you just
22 described occurred that Monday morning, did it
23 not?

24 A. Yes. But it was not a
25 confrontation. I didn't raise my voice. He

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1 didn't raise his voice.

2 Q. We will call it a conversation.

3 Okay?

4 A. You can call it a conversation.

5 Q. As a result of the conversation on
6 Monday morning, you left at 1:00 o'clock that
7 afternoon?

8 A. As a result of that and my not
9 getting security and my being subjected to an
10 unsafe environment, I was forced to leave.

11 Q. What security issues did you have
12 that Monday morning?

13 A. Actually, that Monday morning
14 security showed up. Officer Cox came in my
15 office and said he had been sent over to
16 secure my area. He said, "Cynthia, if I had
17 known it was you, I would have been here
18 earlier." He told me that he was the one
19 stationed outside of Ritvo's office and -- on
20 the 31st when all of these meetings occurred,
21 and that he witnessed that when Chris came
22 out of the meeting that -- and these are his
23 words, not mine. He looked like he was off
24 of his meds. He said no one ever told him
25 to come over and secure my area.

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1 Q. When you left work on Friday the
2 11th of February --

3 A. Uh-huh.

4 Q. You didn't intend to leave work on
5 Monday afternoon, did you?

6 A. Leave work?

7 Q. Leave AUM.

8 A. I spoke to my attorney, and I was
9 advised to leave an unsafe environment where
10 nothing was being done for me.

11 Q. I understand that. I am asking
12 you when you went home from work on that
13 Friday, February 11th, you still intended to
14 work through February 25th, did you not?

15 A. If I arrived and conditions were
16 conducive to my being able to work until the
17 25th.

18 Q. The condition you had specified was
19 security, wasn't it?

20 A. That's right.

21 Q. Monday there was security, was
22 there not?

23 A. There was security.

24 Q. Okay. What changed between the
25 time you went home on Friday afternoon and

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1 the time you left Monday afternoon never to
2 return?

3 A. Dr. Lawal told me essentially there
4 wasn't anything for me to do in the office
5 any more.

6 Q. It was the conversation that Monday
7 morning, right?

8 A. It was a combination of everything.
9 There is no other way I can tell you. I
10 mean, it was a combination of everything.

11 Q. Why didn't that combination of
12 everything force you to leave on Friday and
13 never return?

14 MS. RODGERS: Object to form.

15 THE WITNESS: Because Dr. Lawal,
16 even in his being ugly to me, I was trying
17 to get some work done. I was working. I
18 mean, I wasn't working thinking I am going to
19 leave at 1:00 o'clock on Monday. I didn't
20 come in Monday morning saying, "I am going to
21 leave at 1:00 o'clock." It was a combination
22 of everything.

23 MR. DODD: Q. Is it fair to say
24 that what Lawal said to you that Monday
25 morning was the catalyst that made you leave

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1 Monday afternoon?

2 MS. RODGERS: Object to form.

3 THE WITNESS: Not having security
4 was the key issue and what I had been
5 subjected to.

6 MR. DODD: Q. Had Lawal
7 previously ever tried to talk you out of
8 retiring?

9 A. No, sir. Because he knew I wasn't
10 going to retire.

11 Q. I'm sorry.

12 A. He knew I wasn't planning to
13 retire.

14 Q. How did he know that?

15 A. Because several people in the
16 school asked me if I was going to retire and
17 I said, "No." They asked me if Dr. Lawal
18 was planning to leave. And this I understand
19 started, and I can't tell you who started it,
20 but I can tell you who they say started it.

21 Chris was going around on the third and
22 second floor saying that I was going to
23 retire, and Dr. Lawal was leaving taking
24 another job. Dr. Lawal sent an e-mail to the
25 entire school saying Ms. Ellison has not

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1 discussed any plans with me to retire, nor am
2 I looking for another job. Yet, he decided
3 after I left to put in his letter that I had
4 said I was, but I did not tell him that
5 because he sent the e-mail saying we had not
6 discussed it.

7 Q. Did you ask the four work study
8 students to prepare statements about what went
9 on February 14th?

10 A. I did.

11 Q. Why did you do that?

12 A. Because it was my pattern. I
13 think every situation I have written something
14 down. I have documented what happened. And
15 I knew, especially at that point,
16 documentation was key.

17 Q. Ms. Ellison, do you know any white
18 employees at AUM who were not fired after
19 complaining about discrimination?

20 A. White employees who were not fired
21 after complaining about discrimination. I
22 don't know that I would have privileges to
23 that kind of information. I don't know.

24 Q. Do you know of any white employees
25 who were fired after complaining about

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1 discrimination?

2 A. I do not know.

3 (Short recess)

4 MR. DODD: Q. Ms. Ellison, do
5 you know if Faye Ward has any unhappiness
6 with Auburn University Montgomery?

7 A. I wouldn't know that.

8 Q. Have you talked to her about
9 assisting you in this case?

10 A. I asked her if she would talk to
11 my attorney.

12 Q. And she did, right?

13 A. As far as I know, yes.

14 Q. Have you seen the affidavit that
15 she gave?

16 A. No. I haven't seen her affidavit.

17 Q. When did you apply for disability
18 insurance or disability benefits?

19 A. I don't remember the exact date.
20 But it was pretty much around the time when
21 I tried to work for my rheumatologist and I
22 couldn't do it.

23 Q. Were those SSI disability benefits?
24 Social Security Disability benefits?

25 A. Yes.

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1 Q. What was the outcome of your
2 application?

3 A. I have got to request for a
4 hearing. I have got to send back information
5 to request for a hearing date.

6 Q. Who is representing you in that
7 case?

8 A. I don't have a representative.

9 Q. You represent yourself?

10 A. Yes.

11 Q. Have you been denied Social
12 Security benefits and is this an appeal?

13 A. Right.

14 Q. Did you claim in your application
15 for disability benefits that you were unable
16 to work?

17 A. As I recall, there were 100
18 questions that asked you what you can and
19 cannot do and to what extent you can or
20 cannot do that.

21 Q. Do you have -- strike that.

22 Do you keep all of those records?

23 A. I should have those records.

24 Q. Donna Paul is your rheumatologist?

25 A. Yes. Dr. Paul.

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1 Q. Let me show you a document that
2 your lawyer gave to me and just ask you if
3 you ever seen that before.

4 A. No. May I read it? I haven't
5 seen it before.

6 Q. If you are curious, you can read
7 it. Your lawyer has a copy. She can show
8 it to you.

9 A. What is it?

10 Q. It looks like some notes from Faye
11 Ward to my partner that somehow left AUM.

12 A. Okay.

13 (Three-page document, dated February
14 25, 2004, e-mail from Cynthia Ellison to Joe
15 Hill, marked as Defendant's Exhibit-2)

16 MR. DODD: Q. Ms. Ellison, here
17 is Defendant's Exhibit 2. Take a look at
18 that and see if you can identify it for me,
19 please.

20 A. This is an e-mail I sent Joe Hill.

21 Q. Do you recognize that?

22 A. Yes.

23 Q. You see about halfway down the
24 message on the first page you refer to the
25 anonymous letter?

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1 A. I do.

2 Q. Have you seen that letter to date?

3 A. I have not.

4 Q. Who was one of the individuals you
5 spoke to who apparently composed that letter?

6 A. I don't know who composed the
7 letter.

8 Q. Who in the letter are you
9 referring to where you say, "the ladies heard
10 about the incident and I spoke with one of
11 them, not knowing she had in mind doing what
12 she did."

13 A. Let me get to that point.

14 Q. Okay.

15 A. Where is it? Okay. Let me just
16 read it. These were the women in Upward
17 Bound.

18 Q. Who did you speak to, though?

19 A. I spoke to -- actually, I spoke to
20 all of three of them there together.

21 Q. What are their names?

22 A. It was Lucy. We called her Ms.

23 Lucy. Lucy. Debra may know their names.

24 Lucy. It was Alice Boggs. Alice Boggs, Abena
25 and Lucy. That's all I know.

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1 Q. How did you learn that an
2 anonymous letter existed and that it referred
3 to you?

4 A. How did I learn about what?

5 Q. That an anonymous letter existed
6 and that the letter referred to you.

7 A. They were talking about it in the
8 School of Sciences. They said it referred to
9 the Dean's secretary in the School of
10 Sciences.

11 Q. Who is "they?" These three women?

12 A. Yes.

13 Q. Were they involved in the School
14 of Sciences?

15 A. They were housed in the School of
16 Sciences.

17 Q. Read down about ten more lines
18 from there. It says, "The HR director wasn't
19 willing to speak with me at the time."

20 A. Right.

21 Q. What are you referring to there?

22 A. Debra.

23 Q. When was she not willing to speak
24 with you?

25 A. Wait a minute. Let me come to

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1 where you were and read it.

2 Q. Okay.

3 A. I have to say it was referring to
4 Debra. And I think I said at one time it
5 was Debra. Then I changed it. So I guess
6 it was Debra. Because this would have been
7 more up to date than what I remember now,
8 since it's been so long.

9 Q. Isn't it true that you called
10 Debra Foster about a week before you sent
11 this e-mail and asked her how to file a
12 complaint about the Allison Stevens incident?

13 A. Asked her how to file a complaint?

14 Q. Yes.

15 A. I may have called Debra. I don't
16 remember.

17 Q. Isn't it true that you also told
18 Debra that you did not want to put anything
19 in writing?

20 A. I did. And that's when Guin
21 insisted that she wanted me to.

22 Q. That happened later, didn't it?

23 A. I wrote the memo to Guin, yes.
24 When I informed Guin about the situation.

25 Q. Why were you unwilling to put

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1 anything in writing to Debra Foster about the
2 Allison Stevens incident?

3 A. Because Debra was known not to
4 help anybody. When I went to her, her first
5 statement was, "I don't know what to do with
6 this. It's going to be he said, she said."

7 Q. That's what happened later. I am
8 asking you now why you weren't willing to
9 follow the procedures that were in place?

10 A. I don't view that as not my being
11 not willing to follow procedures. As I said
12 earlier, I really felt like I was going to
13 be retaliated against because of the situation
14 with Jessie Clayton.

15 Q. You expected Debra to retaliate
16 against you?

17 A. I had no idea what to expect
18 because of what I had heard.

19 Q. Look over at the bottom of the
20 next page, please. The last four lines.
21 You say, "I said earlier in an e-mail to you
22 that I'm looking at retiring if I can find
23 something else, but I don't want to leave
24 with a cloud over my head." Do you see
25 that?

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1 A. I see it.

2 Q. Were you looking at retiring as of
3 February 2004?

4 A. We were always looking at
5 retirement. I told you that we had seminars
6 that we went to.

7 Q. This doesn't talk about a seminar.
8 It talks about you.

9 A. I know what it talks about. I am
10 telling you now that discussion of retirement
11 came up periodically, not just with me, but
12 with everybody. Especially when they invoked
13 the DROP situation.

14 Q. In 2004, were you looking to find
15 another job so you could retire?

16 A. I was not looking for a job in
17 2004.

18 Q. The statement you made there
19 that --

20 A. Let me read this.

21 MR. DODD: Here is No. 3.

22 (One-page letter, dated March 1,
23 2004, letter from Cynthia Ellison to Guin
24 Nance, marked as Defendant's Exhibit-3)

25 MR. DODD: Q. Take a look at

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1 that and see if you can identify it.

2 A. Okay.

3 Q. Can you identify that document?

4 A. I wrote it.

5 Q. It's your letter?

6 A. Yes.

7 Q. Look in the first paragraph, if
8 you would, at the last sentence. Which
9 reads, "Until now, however, none have involved
10 name calling, personal verbal attacks, and the
11 development of a potential hostile working
12 environment."

13 A. Uh-huh.

14 Q. Is this your statement that March
15 1, 2004, is the beginning of a hostile
16 working environment?

17 A. My reference until now is to the
18 incident when it occurred in December '03.

19 Q. December 3rd, 2003, is the
20 beginning of the hostile working environment
21 for you?

22 A. And the racial slur. That was the
23 first time that I had ever encountered
24 something like that.

25 Q. I understand that. What you wrote

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1 here is the truth, right?

2 A. Yes.

3 Q. If you look at December the 3rd,
4 2003 letter, it's the beginning of what you
5 consider to be a hostile working environment?

6 A. In relation to this incident that
7 I was referring to.

8 Q. Well, the first paragraph refers to
9 your tenure at Auburn University Montgomery
10 for the last 20 years, doesn't it?

11 A. Right.

12 Q. December 3, 2003, is the beginning
13 of what you consider to be a hostile working
14 environment, right?

15 MS. RODGERS: Object to form.

16 THE WITNESS: No, sir. That's not
17 what my intent was.

18 MR. DODD: Q. What was your
19 intent?

20 A. My intent was to communicate to
21 Dr. Nance, as I said earlier, that I was not
22 the author of the anonymous letter. And that
23 it was me who the slur was directed at. And
24 that, like it says, I was subjected to a
25 hostile work environment.

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1 Q. The sentence preceding the last one
2 says, "Over the years, there have been
3 misunderstandings and personality conflicts
4 with each of these groups. Until now,
5 however, none have involved name calling,
6 personal verbal attacks, and the development
7 of a potential hostile working environment,"
8 right? Is that the truth?

9 MS. RODGERS: Object. Asked and
10 answered.

11 THE WITNESS: This recap events
12 that I was trying to relate to Dr. Nance
13 that occurred in December '03.

14 MR. DODD: Q. December '03 is
15 when the development of a potential hostile
16 working environment began, right?

17 MS. RODGERS: Object again.

18 THE WITNESS: I should have
19 probably put it in writing when it was
20 continued.

21 MR. DODD: Q. This letter is not
22 true then, right?

23 MS. RODGERS: Object to form.

24 THE WITNESS: Yes, it's true.

25 MR. DODD: You can't have it both

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1 ways.

2 THE WITNESS: It is true.

3 MS. RODGERS: Stop. On the
4 record, I would like the record to reflect
5 that it seems like opposing Counsel has
6 become argumentative and also attempting to be
7 intimidating to my client. If he wants to
8 ask her a question, which I will say was in
9 a unprofessional manner, he can do that. If
10 he cannot do that at this point, then we can
11 just close the deposition and let the judge
12 take it up on this matter on what we should
13 do in the midst of these depositions.

14 MR. DODD: It's cross-examination,
15 Counsel.

16 MS. RODGERS: Well, whatever you
17 call it. You call it whatever. Whatever
18 you may want to call it. You call it cross,
19 I call it intimidation.

20 MR. DODD: It's a search for the
21 truth.

22 MS. RODGERS: This search for your
23 truth. This is Ms. Ellison's case. You are
24 the lawyer. You have not been the victim.

25 MR. DODD: Search for the truth.

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1 MS. RODGERS: Search for your
2 truth.

3 MR. DODD: We are going to stay
4 on it until I get it.

5 MS. RODGERS: I am going to stay
6 on it until I get it. No reaper shall
7 prosper, and every tone that rises up in
8 judgment shall be condemned. And for the
9 record --

10 MR. DODD: Don't preach to me.

11 MS. RODGERS: I don't preach. I
12 am not preaching to you. But I am putting
13 it on the record so that it can be perfectly
14 clear. That it can be perfectly clear that
15 you are not going to intimidate me either.

16 Now, I am trying to have my client
17 here to answer your questions. You are
18 taking it as a personal vendetta for a search
19 for your truth. I have her here available
20 to answer your questions according to what
21 she has provided in her complaint. That's
22 what we are trying to attempt to do. But
23 you are trying to search for truth.

24 MR. DODD: She is noticed to be
25 here.

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1 MS. RODGERS: She may be noticed
2 to be here. And by law, the only reason is
3 because she has to be here, and because she
4 has filed a complaint.

5 MR. DODD: That's true. That's
6 her obligation of filing a lawsuit.

7 MS. RODGERS: It's our obligation
8 to have her here. You can ask
9 questions. If you want to be put into an
10 argument, let the games begin. And we can
11 let the judge decide that.

12 MR. DODD: Q. Mrs. Ellison, is
13 the document that's been identified as
14 Defendant's No. 3 truthful?

15 MS. RODGERS: Object to form.

16 THE WITNESS: Yes, sir. It is
17 truthful.

18 MR. DODD: Thank you.

19 (One-page letter, dated March 2,
20 2004, from Guin A. Nance to Ms. Cynthia
21 Ellison, marked as Defendant's Exhibit-4)

22 MR. DODD: Q. Ms. Ellison, here
23 is No. 4. See if you can identify that.

24 A. Yes.

25 Q. What is it?

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1 A. It's a letter that I wrote to Dr.

2 Nance.

3 Q. That's the letter you received from
4 Dr. Nance?

5 A. Uh-huh.

6 Q. Is it in response to the letter
7 that was marked as Defendant's No. 3?

8 A. The letter you had, yes.

9 Q. Look at the last paragraph, would
10 you, please. Chancellor Nance writes, "My
11 understanding from Ms. Foster is that you
12 have been reluctant to provide a written
13 statement." Do you see her remark there?

14 A. Yes.

15 Q. Is that an accurate statement?

16 A. Yes.

17 Q. She goes on to say that she hopes
18 you will share all relevant information on
19 this issue with her, right?

20 A. That's correct.

21 Q. You did that after you received
22 this letter, did you not?

23 A. Right. This was after our meeting
24 by sitting down in her office telling her
25 that Debra starts fires and not puts them

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1 out.

2 (One-page letter, dated March 22,
3 2004, from Debra S. Foster to Ms. Cynthia
4 Ellison and Allison Stevens, marked as
5 Defendant's Exhibit-5)

6 MR. DODD: Q. Here is No. 5.

7 See if you can identify that.

8 A. Yes.

9 Q. What is it?

10 A. A letter to me and Allison Stevens
11 from Debra Foster.

12 Q. Did you receive this letter?

13 A. I did.

14 Q. Now, you see where Debra Foster
15 writes that she didn't find evidence to
16 substantiate if the racial slur was used by
17 Ms. Stevens, right?

18 A. Yes.

19 Q. But she does go on to say that if
20 Allison Stevens uses the word again she is
21 going to be fired. Do you see that?

22 A. Yes.

23 Q. She also said that if Ms. Stevens
24 uses abusive and threatening language she is
25 going to be fired. Do you see that in the

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1 second numbered paragraph?

2 A. Yes.

3 Q. What was your reaction to what
4 Debra Foster wrote with respect to
5 expectations for Allison Stevens, if you had
6 one?

7 A. Well, I think it's written here in
8 Number Two that she asked her not to use
9 abusive and threatening language any more.
10 And if she called me a nigger again she
11 would be terminated.

12 Q. Were you satisfied with this
13 result?

14 A. I was satisfied to the point that
15 I knew nothing else would be done. The next
16 day I received her e-mail inviting me to
17 apply for a job at Hyundai, or the day
18 after.

19 Q. Do you have that e-mail, by the
20 way?

21 A. I believe I gave it to my
22 attorney.

23 Q. Now, you've stated in other --
24 strike that, please.

25 Your desire was not to get Allison

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1 Stevens fired over the incident you had with
2 her, was it?

3 A. No.

4 Q. Do you know of anything that Debra
5 Foster could have done short -- strike that,
6 please.

7 In your opinion, what could Debra
8 Foster have done short of firing Allison
9 Stevens that the warnings in Defendant's No.
10 5 do?

11 A. Well, it took her two times to do
12 the investigation.

13 Q. I understand that it took some
14 time. In terms of the conclusion that she
15 reached?

16 A. I don't know. I may have written
17 a memo to her about this. I'm not sure.

18 Q. In your mind, short of firing Ms.
19 Stevens, is there anything she could have
20 done other than say, if you do it, you will
21 be fired?

22 A. She is an EEO and HR person.
23 That would have been her call.

24 (Five-page document, dated March
25 31, 2004, from Cynthia Ellison to Dr. Guin

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1 Nance, marked as Defendant's Exhibit-6)

2 MR. DODD: Q. Here is No. 6.

3 Take a look at that, please, and tell me
4 what it is.

5 A. This is what I wrote to Dr. Nance.

6 Q. Did you write to -- strike that.

7 What prompted you to write this
8 letter to Dr. Nance?

9 A. I didn't believe that I had been
10 given due process in the investigation part
11 of my complaint.

12 Q. Explain to me what you mean by
13 that, please?

14 A. First of all, when I gave Debra my
15 initial statement and she sent it to me, I
16 had to pretty much redo it because she didn't
17 recap what I had told her. She didn't want
18 to do an investigation, and that's when I
19 went to Dr. Nance and told Dr. Nance that I
20 was reluctant. And then Dr. Nance instructed
21 her to go ahead and talk to the people.

22 That is what I was writing in here. That's
23 the reason that I felt the EEO person and
24 the EEO personnel and the HR Director should
25 be separate. It says it in this memo.

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1 Q. You said that Debra Foster didn't
2 want to do an investigation, right?

3 A. She had never had this before she
4 said, he said, she said.

5 Q. Is that the same as saying she
6 didn't want to do it?

7 A. When she didn't, that told me she
8 didn't want to do it. I had to go back to
9 Dr. Nance to ask her to go ahead and do it.

10 Q. Isn't it true that actually Dr.
11 Nance instructed to you give a written
12 statement because you had refused to it?

13 MS. RODGERS: Object to form.

14 THE WITNESS: She instructed me to
15 talk to Debra Foster.

16 MR. DODD: Q. Did she say put
17 it in writing?

18 Guin Nance writes on Defendant's
19 Exhibit 7 that Ms. Ellison is reluctant to
20 provide a written statement and share all
21 relevant issues.

22 A. I went over to Debra and shared
23 with her, and Debra typed up the statement
24 while I was there.

25 Q. Isn't it true that you had refused

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1 to give a written statement, and it took Guin
2 Nance to convince you to do it?

3 MS. RODGERS: Object to form.

4 THE WITNESS: Because I knew
5 nothing would be done. It took Guin Nance
6 to do it.

7 MR. DODD: Q. It took Guin Nance
8 to get you to give a written statement,
9 right?

10 MS. RODGERS: Object to form.

11 THE WITNESS: It took Guin Nance
12 to get me to go see Debra, that's correct,
13 and file my complaint.

14 (One-page letter, dated April 5,
15 2004, from Guin A. Nance to Ms. Cynthia
16 Ellison, marked as Defendant's Exhibit-7)

17 MR. DODD: Q. Ms. Ellison, here
18 is No. 7. See if you can identify that.

19 A. Yes, I wrote it.

20 Q. What is it?

21 A. It's a letter from Dr. Nance
22 saying that she received the previous exhibit
23 you showed me.

24 Q. In your estimation, is she
25 addressing the primary issues you raised in

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1 your letter?

2 A. She is addressing the issue and
3 directing Debra to interview Nikki Gibson.

4 Q. That was one of your concerns, was
5 it not?

6 A. (Witness nods head)

7 Q. Has Guin Nance ever been
8 unresponsive to any of your concerns?

9 A. No.

10 (One-page letter, dated April 29,
11 2004, from Debra S. Foster to Cynthia
12 Ellison, marked as Defendant's Exhibit-8)

13 MR. DODD: Q. Here is No. 8.

14 Let me know if you can identify that.

15 A. Yes. This is a letter to me from
16 Debra after, I guess, she did the additional
17 investigation with the witness.

18 Q. At this point, April 29, 2004,
19 were you satisfied that all potential
20 witnesses had been interviewed in connection
21 with the Allison Stevens incident?

22 A. All witnesses, yes.

23 Q. Did that satisfy one of your major
24 concerns about the investigation?

25 A. It did.

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1 (One-page memorandum, dated December
2, 2004, from Debra S. Foster to Cynthia
3 Ellison, marked as Defendant's Exhibit-9)

4 MR. DODD: Q. Here is No. 9.

5 See if you recognize that, please.

6 A. Yes. This is a letter Debra sent
7 me after she met with me and Dr. Lawal.

8 Q. Does it accurately reflect what you
9 and she discussed and agreed to?

10 A. It reflected what was discussed and
11 agreed to without my knowing what the
12 complaint was.

13 Q. But being mindful of your feelings
14 when conversing with her, and her agreeing to
15 treat you with respect and dignity, are just
16 common decency, wouldn't you say?

17 MS. RODGERS: Object to form.

18 THE WITNESS: It's common decency,
19 but she and Dr. Lawal assured me that the
20 complaint was frivolous and not to worry
21 about it. They said this is what they were
22 going to do. I didn't worry about it. This
23 is what I received after I complained that I
24 didn't get a letter. And Barbara got a
25 letter. This letter came after this letter.

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1 MR. DODD: Q. Do you think that
2 Barbara Ware got a copy of this letter to
3 you, No. 9?

4 A. I have no idea.

5 Q. Do you suspect that she did?

6 MS. RODGERS: Object to form.

7 THE WITNESS: I just know that she
8 and Dr. Lawal got a letter and I didn't, and
9 I asked for one.

10 MR. DODD: This is No. 10.

11 (One-page memorandum, dated December
12 7, 2004, from Cynthia Ellison to Dr. Bayo
13 Lawal, marked as Defendant's Exhibit-10)

14 MR. DODD: Q. Can you tell me
15 what that is?

16 A. This is -- yes. This is a letter
17 I wrote to Dr. Lawal, and I would have
18 copied it to Debra Foster concerning the
19 Barbara Ware incident.

20 Q. Is your primary concern the fact
21 that you didn't get a copy of what Barbara
22 received?

23 A. Well, that and the fact that I say
24 in here that I was surprised that any
25 correspondence was written since, as I stated

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1 to you earlier, they told me that nothing
2 would be done. Essentially that was the end
3 of it.

4 Q. Was that your preferred course of
5 action that no conclusion or confirmation be
6 sent?

7 MS. RODGERS: Object to form. You
8 can answer.

9 THE WITNESS: I can just tell you
10 that I was called into a meeting with Barbara
11 and Lawal. They told me Barbara filed a
12 complaint. They felt like it was embellished
13 by Chris and not to worry about it.

14 MR. DODD: Q. Now, did receiving
15 Defendant's Exhibit No. 9 make you worry
16 about it?

17 A. Make me worry about it?

18 Q. Yes.

19 A. Worry what what?

20 Q. The Ware complaint.

21 A. Worry that I didn't get to see the
22 complaint or worry in what respect?

23 Q. In any respect about the resolution
24 of the complaint she filed?

25 A. I thought the resolution ended in

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1 the conference room when we finished the
2 meeting.

3 Q. Is what's contained in Defendant's
4 No. 9 any different than what was discussed
5 in the conference room in terms of
6 resolution?

7 MS. RODGERS: Object to form.

8 THE WITNESS: No.

9 MR. DODD: Q. Do you know if
10 Dr. Lawal sought assistance or suggested from
11 the School of Sciences faculty about what the
12 school can do on account of the death of
13 your father?

14 MS. RODGERS: Object to form.

15 THE WITNESS: I wasn't there, so I
16 wouldn't know.

17 MR. DODD: Q. Has anyone told
18 you that he sought school-wide suggestions
19 about what could be done?

20 A. Nobody told me that.

21 Q. Do you know what he did?

22 A. When my father died?

23 Q. Yes.

24 A. He sent a flower arrangement. I
25 believe he sent a flower arrangement.

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1 Q. And the funeral was January 29th?

2 A. No. Was it the 29th? I was
3 back at work on the 31st. He died on the
4 21st or 22nd. It would have been -- it was
5 towards the end of January.

6 Q. When had your mother died?

7 A. She died four months earlier.

8 Q. What did Dr. Lawal do on that
9 occasion?

10 A. Dr. Lawal came to my home with
11 Ruby Jenkins, and Ruby handed me an envelope
12 that had some money if it. I'm not certain,
13 but I think she said it was from Dr. Lawal
14 or the people in School of Sciences.

15 Q. Did he also send flowers?

16 A. He did.

17 Q. How much money was in the
18 envelope?

19 A. I really don't recall.

20 Q. Now, you also lost a sibling, did
21 you not?

22 A. My sister died six days before my
23 mother.

24 Q. What did Dr. Lawal do then?

25 A. Okay. I have got to remember.

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1 Because there were two funerals. One in
2 Indiana and one in Alabama. If I'm not
3 mistaken, I think they either took up money
4 and sent flowers or they did both.

5 (One-page letter, dated February 4,
6 2005, from Debra S. Foster to Ms. Cynthia
7 Ellison, marked as Defendant's Exhibit-11)

8 MR. DODD: Q. Ms. Ellison, here
9 is No. 11. If you can identify that,
10 please.

11 A. Yes. This is a letter Debra sent
12 me regarding Chris' investigation.

13 Q. What was your reaction when you
14 received that?

15 A. I felt like again the investigation
16 was geared more towards resolving the
17 situation for the person who had inflicted
18 harm and ill upon me.

19 Q. What led you to that conclusion?

20 A. Because Dr. Lawal had shared the
21 summary letter that was sent to Chris and
22 Chris was given the opportunity to have a
23 month to decide what he wanted to do and
24 then until the end of the summer to do it.

25 I had asked for a summary of my proceedings

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1 of the meeting that I had with Lawal, Ritvo
2 and Faye and was denied.

3 And again, the security issue.

4 She says nothing in here about providing
5 security.

6 Q. Take a look at No. 1 again, if
7 you would, please, at your Exhibit B.

8 A. Yes.

9 Q. Is this the summary he said you
10 should have received?

11 A. No. I asked for a summary of the
12 meeting that took place with me, Faye, Ritvo
13 and Lawal. Because in that meeting Ritvo
14 stated that he would not give me security.
15 That I was to call them if Chris arrived in
16 that meeting. Bayo Lawal stated that he
17 would file civil litigation if nothing was
18 done to Chris in that meeting. That's the
19 summary I wanted. I wanted a summary.

20 Q. Please finish.

21 A. I wanted a summary of what was
22 being said because I wasn't being provided
23 security and I wanted him to write that for
24 me, and he said he would not.

25 Q. Does such a summary exist anywhere?

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1 A. I have no idea. I didn't get a
2 copy if it does exist. I asked for a copy.

3 Q. Do you know if anybody got a copy
4 of any such summary?

5 A. Chris received a summary of his
6 meeting.

7 Q. Is that what you are referring to?

8 A. Exhibit B.

9 Q. That's your Exhibit B.

10 A. Well, B, Chris received a summary
11 of what happened in their meeting. I was
12 simply asking for a summary of what happened
13 in my meeting.

14 Q. Nobody took any adverse action
15 against you in that meeting, did they?

16 MS. RODGERS: Object to form.

17 THE WITNESS: I wanted on record
18 that I was refused security. I wanted on
19 record that Bayo threatened to file civil
20 litigation.

21 MR. DODD: Q. Look at Exhibit B
22 to Defendant's Exhibit 1 there.

23 A. Okay.

24 Q. That's where sanctions are imposed
25 against Chris Mahaffy by AUM, correct?

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1 A. Yes. This has nothing to do with
2 what I wanted from them.

3 Q. It's completely different, isn't
4 it?

5 A. I told them what I wanted was a
6 summary of my meeting.

7 Q. They simply refused to do it,
8 right?

A. Absolutely.

10 Q. Did they give a summary to anybody
11 else?

12 MS. RODGERS: Object to form.

18 MR. DODD: Q. Neither Chris nor
19 you got a summary?

20 MS. RODGERS: Object to form.

21 THE WITNESS: Chris got this
22 summary. I did not get one.

23 MR. DODD: Q. This is a summary
24 where he loses his Department Chair, right?

25 A. Yes.

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1 Q. And he loses three months of an
2 annual 12-month contract?

3 A. Right.

4 Q. Diversity training, right?

5 A. I don't know if he went. That's
6 what this says.

7 Q. There are seven provisions,
8 punitive provisions in this summary, correct?

9 MS. RODGERS: Object to form.

10 THE WITNESS: I'm not talking
11 about the content for the summary. I wasn't
12 concerned with Chris' summary. I was concerned
13 with my summary.

14 MR. DODD: Q. Did anybody get a
15 summary of the kind that you wanted?

16 MS. RODGERS: Object to form.

17 THE WITNESS: Chris Mahaffy.

18 MR. DODD: Q. You are referring
19 to Exhibit 1?

20 A. I am referring to a written
21 statement of what happened in a document.

22 Q. You just wanted a document, is
23 that right?

24 MS. RODGERS: Object to form.

25 THE WITNESS: I wanted a summary

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1 document of my meeting.

2 MR. DODD: Q. You didn't want to
3 be punished, did you?

4 MS. RODGERS: Object to form.

5 THE WITNESS: Punished for what?

6 MR. DODD: Exactly.

7 MS. RODGERS: Object to form. You
8 don't have to answer that.

9 MR. DODD: Q. Chris Mahaffy is
10 being punished, isn't he?

11 MS. RODGERS: Object to form.

12 THE WITNESS: By the University
13 because of his behavior.

14 MR. DODD: That is correct.

15 Q. That is the behavior that you
16 complained about?

17 A. Partially.

18 (Two-page letter, dated February 9,
19 2005, Roger A. Ritvo, Ph.D. to Ms. Cynthia
20 Ellison, marked as Defendant's Exhibit-12)

21 MR. DODD: Ms. Ellison, here is
22 No. 12. See if you can identify that,
23 please.

24 A. Yes.

25 Q. What is it?

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1 A. It's a letter to me from Dr. Roger
2 Ritvo.

3 Q. Do you recall receiving this?

4 A. Yes, I do.

5 Q. What was your reaction to it?

6 A. I thought that, again, I was the
7 person that was being mistreated. In my
8 letter -- and I go back to the same thing.
9 I asked for a summary. In this letter he
10 says, I believe that -- let me look here for
11 just a minute. It recaps some of the issues
12 I had raised in my letter about no security,
13 my being sent off Campus because they knew
14 Chris was going to be upset after they talked
15 with him. Well, do you want me to read the
16 letter?

17 Q. You don't need to read it. I am
18 asking what your reaction was.

19 A. Well, my reaction was that I was
20 still subjected to retaliation and an unsafe
21 environment.

22 Q. You considered this letter to be
23 retaliatory?

24 A. Not this -- well, let me see.

25 This letter, I believe and I felt, was sent

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1 to me because, if I'm not mistaken, things
2 crossed in the mail. My information that I
3 had seen an attorney or Bayo had told them
4 something and Ritvo wrote this letter saying
5 that Campus Police goes through Goodwyn Hall
6 three times a day, or something like that.
7 If that's in this one, I know that they
8 don't. They come when we call them for a
9 situation. I felt like this was another
10 attempt to appease me.

11 Q. That was written in your response
12 to your February 11th letter, wasn't it?

13 A. It was.

14 Q. Were you not interested in having
15 an escort to your vehicle?

16 MS. RODGERS: Object to form.

17 THE WITNESS: I was interested in
18 an escort to my vehicle. Let me read this.
19 Can I just make my points as I go down
20 through this letter?

21 MR. DODD: Q. Sure.

22 A. I still believed that Chris Mahaffy
23 posed a physical threat.

24 Q. Do you recognize the possibility of
25 a disagreement on that issue?

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1 A. Certainly there is a possibility of
2 disagreement on any issue. While it may be
3 my word against the University's word, or
4 Debra Foster, it is not customary to have a
5 Campus Police Officer stand outside a door
6 when you are having a meeting when they are
7 having Disciplinary Committee Meetings with
8 students who might act out. When you are
9 just asking about a regular meeting, that's
10 not customary.

11 Q. Are you saying that Mahaffy was
12 not a physical threat?

13 MS. RODGERS: Object to form.

14 THE WITNESS: I am saying he is
15 -- I am saying because they put Campus Police
16 outside of Ritvo's office for a supposed get
17 together meeting to talk to Chris, it was
18 not customary. They wanted to make me
19 believe that every meeting they had it was
20 customary for the Campus Police to be outside
21 the offices and that was not the case.

22 MR. DODD: Q. Let me ask you
23 what the source of your knowledge is?

24 A. I have been there for 20 years.
25 I have talked to different people. I know

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1 that. Like I said, Officer Cox told me that
2 he was the one that asked to be stationed
3 outside that door that day.

4 Q. How long has Ritvo been in that
5 position?

6 A. I couldn't tell you the exact
7 number of years.

8 Q. Do you know how many disciplinary
9 meetings he has had an officer outside?

10 MS. RODGERS: Object to form.

11 THE WITNESS: Usually, the
12 disciplinary meetings are in Chancellor's
13 Office. If they changed that, then they
14 changed it.

15 MR. DODD: Q. Wherever the
16 location.

17 A. I have no idea about it, but we
18 are not talking about Ritvo's area. We were
19 talking about security from my area. He was
20 saying that Campus Police patrolled Goodwyn
21 Hall three times, and they did not.

22 Q. You have knowledge of that as
23 well?

24 A. Well, I was at work over those
25 years.

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1 Q. You were on the 3rd floor, right?

2 A. Right. They were patrolling.

3 Q. You weren't on the second floor,
4 were you?

5 A. No.

6 MS. RODGERS: Object to form.

7 THE WITNESS: No.

8 MR. DODD: Q. You weren't on the
9 first floor?

10 A. I was on the third floor. I
11 might add this was also the time that Debra
12 handed me -- during this period Debra had
13 handed me a letter saying talk to Ritvo.

14 Q. Okay. Had you made any demands at
15 that point?

16 MS. RODGERS: Object to form.

17 THE WITNESS: As I said, at the
18 same time that Debra said that the attorneys
19 wanted to know what I wanted, and I told her
20 at the time that I wanted mental anguish and
21 \$250,000. That's when she got up and left.

22 She came back and said, "I don't have
23 anything else to say to you."

24 MR. DODD: Q. Do you have any
25 further comments about this letter?

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1 A. Should I have?

2 Q. You said you were going to go down
3 through. I am just wondering if you had
4 finished or not.

5 A. I think my earlier comments cover
6 it.

7 Q. I'm sorry.

8 A. I think my earlier comments covers
9 it.

10 (One-page letter, dated February 9,
11 2005, from Bayo H. Lawal, Ph.D. to Ms.
12 Cynthia Ellison, marked as Defendant's Exhibit-
13)

14 MR. DODD: This is Exhibit 13.

15 Q. Ms. Ellison, look at Exhibit D to
16 your affidavit, please.

17 A. Yes, sir.

18 Q. You say, "I am no longer willing
19 to subject myself to an environment that is
20 potentially unsafe to me and others around
21 me."

22 A. Yes.

23 Q. Who are the "others" you are
24 referring?

25 A. My student workers and other people

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1 who came in and out of the Dean's office.

2 Q. To your knowledge, had any of them
3 been threatened by Mahaffy?

4 A. I really think they had.

5 Q. Do you know that for a fact?

6 A. I think a couple of them said
7 something a couple of times. I don't
8 remember exactly what they said.

9 Q. You said, "I would also like to
10 discuss my plans concerning leave." What is
11 that referring to?

12 A. Yes. I put my retirement date
13 April 1st, 2005.

14 Q. Right.

15 A. Because I looked in the system and
16 I had enough vacation leave to take it to
17 April 1st.

18 Q. You just get a paycheck until
19 April 1st?

20 A. Uh-huh.

21 MR. DODD: Q. Here is No. 13.

22 A. I received this from Dr. Lawal.

23 Q. You see in the first paragraph he
24 writes, "I know you have discussed your
25 intention to retire from AUM with me several

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1 times within the last five months, but each
2 time, I have tried to talk you out of it."

3 A. Yes, I do.

4 Q. I assume from your previous
5 testimony you feel that is not an accurate
6 statement?

7 A. It is not an accurate statement.

8 Q. Ms. Ellison, did you plan to give
9 Lawal -- strike that, please.

10 When did you decide that you were
11 going to retire effective April 1st?

12 A. Well, I mean, like I told you
13 earlier, it was a combination of everything
14 that was going on.

15 Q. When?

16 A. When?

17 Q. When.

18 A. I think my letter is in here.

19 Q. The notice is dated February 9th.
20 My question is, when did you decide to give
21 him that notice on February 9th?

22 A. When he received the correspondence
23 from Julian McPhillips and he was beating on
24 his chest. He said that I had done this to
25 him. That I had destroyed his plans for

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1 filing a suit in the summer. And I should
2 wait. He started to change and retaliated
3 against me. It was everything that was going
4 on.

5 Q. If I were to tell you, or suggest
6 to you that he did not receive any
7 correspondence from Julian McPhillips until
8 after February the 10th, would that make you
9 want to rethink that answer?

10 A. Well, I have said to you that my
11 dates were not exact. I'm not sure.

12 Q. I am trying to straighten it out
13 now, is what I am trying --

14 A. Well, could you show me the
15 correspondence that he received from Julian
16 McPhillips and then I can answer the
17 question?

18 Q. I don't have the letter, but I
19 have got what was in it.

20 A. Well, I think I told you earlier
21 that when I spoke to Mr. McPhillips and
22 explained to him what was going on, he
23 advised me to leave AUM. Now, I did what he
24 told me to do. And if it were the 9th, I
25 took his advice.

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1 Q. When did you get that advice?

2 MS. RODGERS: Object to form.

3 MR. DODD: Q. The first meeting
4 you had with him?

5 A. I think it was -- well, I tell
6 you it was -- it wasn't the first meeting
7 because the first meeting is when I explained
8 to him what was happening to me. It had to
9 be the second meeting.

10 Q. Which was the day after you
11 resigned, right?

12 MS. RODGERS: Object to form.

13 THE WITNESS: I have no idea.

14 MR. DODD: Q. Would it be
15 accurate to say that you had decided to
16 retire, made up your mind to retire sometime
17 prior to February 9th when you returned and
18 gave Bayo Lawal the notice?

19 MS. RODGERS: Object to form.

20 THE WITNESS: It's fair to say
21 that after I sought Counsel and I sought
22 their advice, that's when I decided to
23 retire.

24 MR. DODD: Q. Was that before
25 February 9th?

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1 MS. RODGERS: Object to form.

2 THE WITNESS: I don't have a

3 calendar to refer to. I really don't know.

4 MR. DODD: Okay.

5 (Two-page e-mail, dated February
6 11, 2005, from Cynthia Ellison to Bayo Lawal,
7 marked as Defendant's Exhibit-14)

8 THE WITNESS: Yes, sir.

9 MR. DODD: Q. What is that?

10 A. This is my e-mail to Dr. Lawal, as
11 we discussed earlier, saying that I would
12 work through the 25th if I got -- if I was
13 provided Campus Police security.

14 Q. You say if Campus security
15 patrolled at least once a day?

16 A. Right.

17 Q. Now, did you receive any
18 confirmation that the Campus Police would do
19 that?

20 A. There were e-mails from Bayo to
21 Ritvo. I believe they requested that they
22 walk-through.

23 MR. DODD: Exhibit 15.

24 (Two-page document, dated February
25 7, 2005, entitled Application for Retirement,

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1 marked as Defendant's Exhibit-15)

2 MR. DODD: Q. Can you tell me
3 what that is?

4 A. Application for Retirement. It's
5 my Application for Retirement.

6 Q. Do you remember when you completed
7 that?

8 A. It's dated on 2-7-05.

9 Q. That's your direct deposit
10 authorization for the Retirement Systems of
11 Alabama?

12 A. Uh-huh.

13 Q. Does that refresh your recollection
14 at all as to when you decided to go ahead
15 and retire?

16 A. Not completely. Because I was in
17 contact with HR because I really didn't know
18 what to do about paperwork or anything. I
19 would have to know when I talked to Mr.
20 McPhillips. If I talked to Mr. McPhillips
21 around that time, I don't know.

22 Q. Do you know of any reason why you
23 would authorize a direct deposit for your
24 retirement income as of February 7th if you
25 hadn't decided to retire?

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1 A. I was acting off of the advice of
2 my Counsel. He is the one that told me.

3 Q. To retire?

4 A. Yes.

5 MR. DODD: Here is No. 16.

6 (One-page e-mail, dated February
7 12, 2005, from Bayo Lawal to Cynthia Ellison,
8 marked as Defendant's Exhibit-16)

9 MR. DODD: Q. Take a look,
10 please.

11 A. Yes.

12 Q. What is that?

13 A. This is the e-mail from Dr. Lawal
14 concerning the shredding.

15 Q. He sent it to you on Saturday
16 morning, February 12th, right?

17 A. Yes.

18 Q. Okay. You see his last sentence
19 where he says, "I hope you kept a list of
20 all the shredded documents and that this list
21 was approved prior to shredding by the
22 University Archivist Jason Kneip."

23 A. Kneip, yes.

24 Q. Do you know Jason Kneip?

25 A. No, but I e-mailed him that Monday

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1 morning.

2 Q. Have you ever had any communication
3 with him?

4 A. No.

5 Q. Have you ever inventoried items you
6 shredded?

7 A. I have not.

8 Q. And you had never sought his prior
9 approval before shredding, have you?

10 A. No, I had not.

11 Q. You responded to this e-mail, did
12 you not?

13 A. I did.

14 MR. DODD: Here is 17.

15 (Two-page e-mail, dated February
16 14, 2005, from Cynthia Ellison to Bayo Lawal,
17 marked as Defendant's Exhibit-17)18 MR. DODD: Q. See if you can
19 identify that.20 A. Yes, I recognize this. It's an
21 e-mail I sent to Dr. Lawal in response to
22 his e-mail to me about the shredding.23 Q. You sent it Monday morning at 8:07
24 a.m.?

25 A. Yes. That's what's on there.

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1 Q. You seem to question whether he
2 thinks you are trustworthy or not, is that
3 right?

4 A. Yes.

5 Q. Why do you raise that issue?

6 A. Because he had never questioned
7 anything that I had done.

8 Q. Had he ever been confronted with
9 the quantity of shredding that you and your
10 helpers had done the previous Friday?

11 A. Had I been confronted by him?

12 Q. Did he --

13 A. Had he, Dr. Lawal; been confronted
14 by whom?

15 Q. Had he ever observed shredding of
16 the magnitude that you and the student
17 workers had done the previous Friday?

18 MS. RODGERS: Object to form.

19 MR. DODD: Q. To your knowledge.

20 A. I don't know. There was quite a
21 few time sheets and payroll files that were
22 shredded.

23 Q. Did you know that you were
24 supposed to seek prior approval and make
25 inventories of that stuff?

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1 A. We probably received that. I know
2 I did probably receive that, but I had never
3 done it before.

4 Q. Why did you suggest that Monday,
5 February 14th should be your last day?

6 MS. RODGERS: Object to form
7 again.

8 THE WITNESS: I think we have
9 already gone over what happened on the 14th.
10 Dr. Lawal's behavior and I was being
11 continually subjected to an unsafe environment.

12 MR. DODD: Q. In this e-mail you
13 refer to lack of trust, right, as a reason
14 why you shouldn't stay any longer?

15 MS. RODGERS: Object to form.

16 THE WITNESS: That was part of the
17 reason.

18 MR. DODD: Q. Is there any other
19 reason expressed in No. 17?

20 A. Not in this letter e-mail.

21 MR. DODD: Here is No. 18.

22 (One-page e-mail, dated February
23 14, 2004, from Cynthia Ellison to Jason Kneip
24 and Bayo Lawal, marked as Defendant's Exhibit-
25 18)

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1 MR. DODD: Q. Tell me what that
2 is, if you can, please.

3 A. This is an e-mail to Jason Kneip
4 about the shredding that I had done. Dr.
5 Lawal requested that I send him an e-mail and
6 let him know what I had shredded.

7 Q. Did Dr. Lawal tell you that
8 orally?

9 A. Yes.

10 Q. Is this the same day where he said
11 that he only wanted to communicate with you
12 by e-mail?

13 A. Right.

14 MR. DODD: Here is 19.

15 (One-page e-mail, dated February
16 14, 2005, from Jason Kneip to Cynthia Ellison
17 and Bayo Lawal, marked as Defendant's Exhibit-
18 19)

19 MR. DODD: Q. Tell me what that
20 is, please.

21 A. Yes. This is from Jason Kneip
22 telling me that if I shred anything to submit
23 a list.

24 Q. Did you understand that was the
25 policy of the University once you received

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1 this e-mail?

2 A. Yes. I do think I will stand for
3 a minute.

4 MR. DODD: Q. Here is No. 20.

5 (One-page document, dated February
6 14, 2005, from Roger A. Ritvo, Ph.D. to
7 Cynthia Ellison, with carbon copies, marked as
8 Defendant's Exhibit-20)

9 MR. DODD: Q. Ms. Ellison, do
10 you recognize that?

11 A. Yes, I received the request about
12 Campus Police. He said that "They do indeed
13 go through Goodwyn Hall on a regular basis,
14 hopefully three times a day." And I received
15 that on the 14th.

16 Q. Had you sought confirmation from
17 Bayo Lawal or Roger Ritvo about the frequency
18 with which the police go through Goodwyn
19 Hall?

20 A. I just asked for security. I
21 didn't get into that.

22 Q. You did say, though, that would
23 stay on and they would go through once a
24 day?

25 A. I think that was in an e-mail. I

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1 would like to say that it took them from the
2 time I requested it through February 14th to
3 comply.

4 (One-page memorandum, dated February
5 14, 2005, from Cynthia Ellison to Bayo Lawal,
6 marked as Defendant's Exhibit-21)

7 MR. DODD: Q. Exhibit 21.

8 A. Yes. This is an e-mail I left
9 with the attachment for Bayo for my leave
10 that would pay me up through the end of
11 March.

12 Q. The leave slips and time sheets
13 referred to are yours going forward, right?

14 A. That's correct.

15 Q. You concluded by saying, "I can no
16 longer handle the retaliation that I am under
17 from Chris, others, and now you."

18 A. Right.

19 Q. Who are the "others"?

20 A. I was referring to Debra Foster,
21 Chris Mahaffy, Ritvo. The ones I felt had
22 retaliated against me.

23 Q. For filing a complaint?

24 A. Yes.

25 (One-page document, dated February

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1 15, 2005, from Ms. Cynthia Ellison to Bayo
2 Lawal, marked as Defendant's Exhibit-22)

3 MR. DODD: Here is 22.

4 Q. Can you identify that?

5 A. Yes.

6 Q. Did you receive that?

7 A. I did.

8 Q. Did you ever return the three tape
9 recorded Chair meetings -- strike that,
10 please.

11 Did you ever submit the tapes of
12 the three Chairs meetings?

13 A. I never -- it never left the
14 office.

15 Q. It's still there?

16 A. As far as I know.

17 Q. Has Auburn University Montgomery
18 discriminated against you in any fashion other
19 than what we have discussed today?

20 A. No.

21 Q. Have you understood all of my
22 questions today that you have answered?

23 A. Yes. I think to the best of my
24 knowledge.

25 Q. And to the best of your ability,

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1 you answered my questions fully?

2 A. To the best of my ability.

3 Q. Do you wish to change anything?

4 A. I can't remember back to 8:00

5 o'clock or 9:00 o'clock this morning. Right
6 now at this time, no.

7 Q. Do you wish to add anything, or
8 tell me anything you think I should know
9 about this case?

10 A. No. I can't think of anything
11 else right now.

12 MR. DODD: Thank you for your
13 time.

14 THE WITNESS: Thank you.
15 (Whereupon, the proceedings
16 adjourned at 4:45 o'clock p.m.)

17 .

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1 DESCRIPTION OF DEFENDANTS EXHIBITS
2

EXHIBIT DESCRIPTION

- 3 1 Multi-page document, first page undated,
4 entitled Charge of Discrimination
- 5 2 Three-page document, dated February 25,
6 2004, e-mail from Cynthia Ellison to
7 Joe Hill
- 8 3 One-page letter, dated March 1, 2004,
9 letter from Cynthia Ellison to Guin
10 Nance
- 11 4 One-page letter, dated March 2, 2004,
12 from Guin A. Nance to Ms. Cynthia
13 Ellison
- 14 5 One-page letter, dated March 22, 2004,
15 from Debra S. Foster to Ms. Cynthia
16 Ellison and Allison Stevens
- 17 6 Five-page document, dated March 31,
18 2004, from Cynthia Ellison to Dr. Guin
19 Nance
- 20 7 One-page letter, dated April 5, 2004,
21 from Guin A. Nance to Ms. Cynthia
22 Ellison
- 23 8 One-page letter, dated April 29, 2004,
24 from Debra S. Foster to Cynthia Ellison

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1 DESCRIPTION OF DEFENDANTS EXHIBITS (CONT.)
2
3 EXHIBIT DESCRIPTION
4
5 9 One-page memorandum, dated December 2,
6 2004, from Debra S. Foster to Cynthia
7 Ellison
8
9 10 One-page memorandum, dated December 7,
10 2004, from Cynthia Ellison to Dr. Bayo
11 Lawal
12
13 11 One-page letter, dated February 4, 2005,
14 from Debra S. Foster to Ms. Cynthia
15 Ellison
16
17 12 Two-page letter, dated February 9, 2005,
18 Roger A. Ritvo, Ph.D. to Ms. Cynthia
19 Ellison
20
21 13 One-page letter, dated February 9, 2005,
22 from Bayo H. Lawal, Ph.D. to Ms.
23 Cynthia Ellison
24
25 14 Two-page e-mail, dated February 11,
26 2005, from Cynthia Ellison to Bayo
27 Lawal
28
29 15 Two-page document, dated February 7,
30 2005, entitled Application for
31 Retirement
32
33
34
35

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1 DESCRIPTION OF DEFENDANTS EXHIBITS (CONT.)
2
EXHIBIT DESCRIPTION

- 3 16 One-page e-mail, dated February 12,
4 2005, from Bayo Lawal to Cynthia
5 Ellison
6 17 Two-page e-mail, dated February 14,
7 2005, from Cynthia Ellison to Bayo
8 Lawal
9 18 One-page e-mail, dated February 14,
10 2004, from Cynthia Ellison to Jason
11 Kneip and Bayo Lawal
12 19 One-page e-mail, dated February 14,
13 2005, from Jason Kneip to Cynthia
14 Ellison and Bayo Lawal
15 20 One-page document, dated February 14,
16 2005, from Roger A. Ritvo, Ph.D. to
17 Cynthia Ellison, with carbon copies
18 21 One-page memorandum, dated February 14,
19 2005, from Cynthia Ellison to Bayo
20 Lawal
21 22 One-page document, dated February 15,
22 2005, from Ms. Cynthia Ellison to Bayo
23 Lawal
24
25

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1 CERTIFICATE OF COURT REPORTER.

2 I, DAWN A. GOODMAN, do hereby

3 certify;

4 That I am a Certified Shorthand
5 Reporter of the State of Alabama;6 That the foregoing pages are a
7 true and correct transcript of the Deposition
8 of Cynthia Ellison;9 I further certify that I am not
10 interested in the outcome of said matter nor
11 connected with or related to any of the
12 parties of said matter or to their respective
13 Counsel.14 Dated this 8th day of May, 2006,
15 at Prattville, Alabama.

18 DAWN A. GOODMAN, CSR

19 State of Alabama

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1 CAPTION
2

3 The Deposition of Cynthia Ellison,
4 taken in the matter, on the date, and at the
5 time and place set out on the title page
6 hereof.

7 It was requested that the deposition
8 be taken by the reporter and that same be
9 reduced to typewritten form.

10 It was agreed by and between counsel
11 and the parties that the Deponent will read
12 and sign the transcript of said deposition.
13 .
14 .
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CERTIFICATE

STATE OF :

COUNTY/CITY OF :

Before me, this day, personally
appeared, Cynthia Ellison, who, being duly
sworn, states that the foregoing transcript
of his/her Deposition, taken in the matter,
on the date, and at the time and place set
out on the title page hereof, constitutes a
true and accurate transcript of said
deposition.

Cynthia Ellison

SUBSCRIBED and SWORN to before me this
day of , 2006 in the
jurisdiction aforesaid.

My Commission Expires Notary Public

No changes made to the Errata Sheet;
therefore, I am returning only this signed,
notarized certificate.

I am returning this signed, notarized
certificate and Errata Sheet with changes noted.

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DEPOSITION ERRATA SHEET

RE: Alexander Gallo & Associates
File No. 13898
Case Caption: Cynthia Ellison vs. Auburn
University Montgomery

Deponent: Cynthia Ellison

Deposition Date: April 27, 2006

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

Page No. Line No. Change to:

Reason for change:

Page No. Line No. Change to:

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	Reason for change:	
	Page No.	Line No.
	Change to:	
1	Reason for change:	
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7	Reason for change:	
8	Page No.	Line No.
9	Change to:	
10	Reason for change:	
11	Deposition of Cynthia Ellison	
12	.	
13	Page No.	Line No.
14	Change to:	
15	Reason for change:	
16	Page No.	Line No.
17	Change to:	
18	Reason for change:	
19	Page No.	Line No.
20	Change to:	
21	Reason for change:	
22	Page No.	Line No.
23	Change to:	
24	Reason for change:	
25	Page No.	Line No.
	Change to:	

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1

2 Reason for change:

3 Page No. Line No. Change to:

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5 Reason for change:

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7

8 SIGNATURE: _____ DATE: _____

9 Cynthia Ellison